

the nonpayment of the same or to prevent the city from entering upon or appropriating the land condemned and paid for as herein provided or from completing the improvement or from issuing or selling or paying any bonds as herein provided or to declare void any such bonds unless said action shall be commenced within one year from the first day of January following the year in which such assessment of benefits or any installment thereof made for any improvement under this act is placed upon the tax roll for collection.

SECTION 41. (1) SUBSTANTIAL COMPLIANCE; VALIDITY. Substantial compliance with the requirements of this act shall be sufficient to give effect to any proceedings thereunder; and no error, irregularity or informality in any of the proceedings under the provisions of this act not affecting substantial justice shall in any way affect the validity of the proceedings.

(2) **LIBERAL CONSTRUCTION.** This act shall be liberally construed so that the city shall have the largest possible power and leeway of action under it.

(3) **INVALIDITY OF ONE PART NO EFFECT ON REST.** If any provision or any section of this law shall be held unconstitutional, it shall not affect the validity of the law as a whole or any other section or provision thereof.

SECTION 42. RELATION TO OTHER LAWS. This act shall not in any way be construed as a repeal of chapter 347 of the laws of 1923, or of subsections (13), (14), (15) and (16) of section 62.23 of the statutes. The procedure herein provided shall be an additional and alternative method which the city may in its discretion follow.

SECTION 43. This act shall take effect upon passage and publication.

Approved July 3, 1931.

No. 942, A.]

[Published July 10, 1931.

CHAPTER 486.

AN ACT to repeal sections 101.31 and 343.339, to amend section 20.565 and to recreate section 101.31 of the statutes, relating to architects and civil engineers and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 101.31 and 343.339 of the statutes are repealed.

SECTION 2. Section 20.565 of the statutes is amended to read: 20.565 All moneys collected or received by each and every person for or in behalf of the board of examiners of architects *and civil engineers* shall be paid within one month of receipt into the general fund of the state treasury. All moneys so deposited are appropriated for said board to carry into effect the provisions of section 101.31 of the statutes. *As the annual expenses of the board will vary, any moneys paid in and appropriated to the use of the board but not used in any year shall be carried over to the credit of the board the following year. Such moneys carried over shall only be used to carry into effect the provisions of section 101.31 of the statutes.*

SECTION 3. A new section is added to the statutes to read: 101.31 (1) Any person practicing or offering to practice the profession of architecture or the profession of civil engineering in this state shall be required to submit evidence that he or she is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice the profession or architecture or the profession of civil engineering in this state, or to use in connection with his or her name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect or a civil engineer with the intent to practice the profession of architecture or civil engineering, unless such person has been duly registered or exempted under the provisions of this section.

(a) The term "architect" or the term "civil engineer", as used in this section, shall mean a person who represents himself or herself to be such an architect or such a civil engineer.

(b) The practice of architecture, as covered by this section, embraces design or responsible supervision of the construction, enlargement or alteration of public or private buildings, or parts thereof, to be constructed, for others.

(c) The practice of civil engineering, as covered by this section, embraces engineering investigation, design or responsible supervision of the construction and alteration of bridges, structures and buildings directly connected with engineering work; such as railroads, hydroelectric plants, industrial plants and buildings or the

structural members of other buildings, and other civil engineering works and projects, including publicly and privately owned public utilities, except the design of the electrical and mechanical equipment of such utilities.

(d) The term "board", as used in this section, shall mean the state registration board of architects and civil engineers, as provided for by this section.

(2) (a) The board shall consist of nine members: The state architect, the state engineer, the dean of the college of engineering of the state university, three architects and three civil engineers. The three architect and three civil engineer members of the board shall be appointed by the industrial commission from lists consisting of two or more names for each position to be filled, submitted by the architectural and engineering societies of the state. The members of the first board shall be appointed within ninety days after the taking effect of this section, and shall serve for the following term: One architect and one civil engineer for one year, one architect and one civil engineer for two years, one architect and one civil engineer for three years from the date of their appointment or until their successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the industrial commission and before beginning his term of office shall file with the secretary of state his written oath for the faithful discharge of his official duty. Each member of the board first appointed hereunder shall receive a certificate of registration under this section from said board. On the expiration of the terms of architect and engineer members of the board, the industrial commission shall each year, from lists consisting of two or more names for each vacancy to be filled, appoint new members for a term of three years, as follows: One registered architect and one registered civil engineer, from the nominating lists to be submitted from the membership lists of registered architects and registered civil engineers by the architectural and engineering societies of the state. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

(b) Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least one

year and shall have been engaged in the practice of the profession of architect or of civil engineer for at least ten years, and shall have been in responsible charge of architectural or civil engineering work for at least five years.

(c) No member of the board shall be entitled to any compensation for his or her services, but shall, however, be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this section.

(d) The industrial commission may upon request of two-thirds of the membership of the interested division of the board remove any architect or civil engineer member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient proven cause. Vacancies in the membership of the board shall be filled by appointment by the industrial commission for the unexpired term.

(3) (a) The board in operation shall be divided into two divisions, one division shall consist of the dean of the college of engineering, the state architect and the architect members. The other division shall consist of the dean of the college of engineering, the state engineer and the engineering members.

(b) The board shall hold joint meetings within thirty days after its members are first appointed and thereafter shall hold at least one joint meeting each year. In addition, the architectural and engineering division shall each hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect annually from its architectural members a chairman and a vice-chairman for the architectural division and from its engineering members a chairman and a vice-chairman for the engineering division.

(c) All matters pertaining to the passing upon the qualifications of applicants for and the granting or revocation of registration, also all other matters of interest to either the architectural or to the engineering division shall be acted upon solely by the interested division. All matters of joint interest shall be considered by joint meetings of both architectural and engineering divisions of the board. At such joint meetings the dean of the college of engineering shall preside as chairman and the state architect and the

state engineer shall cast the vote of their respective divisions, and the dean of the college of engineering shall cast the deciding vote.

(d) The board shall have the power to make all by-laws and rules, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal. In carrying into effect the provisions of this section, the board or its divisions may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in any case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers or documents, the board may present its petition to the circuit court of Dane county setting forth the facts, and thereupon such court shall, in proper case, issue its subpoena to such person, requiring his attendance before such court and there to testify or to produce such books, papers and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court.

(4) (a) The secretary of the board shall give a surety bond to this state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board. The secretary of the board may receive such salary as the board determines. The board may employ such other clerical help or assistants as are necessary for the proper performances of its work, or may make expenditure of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties. Under no circumstances, however, shall the total amount of warrants issued by the state auditor in payment of the expenses of the board exceed the amount of the examination and registration fees collected and appropriated as herein provided.

(b) The board shall keep a record of its proceedings and a register of all applications for registration together with a record of

all other information pertaining thereto as may be deemed necessary by the board. The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(c) The board shall annually submit to the industrial commission a report of its transactions of the preceding year, and shall also transmit to the industrial commission a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

(d) A roster showing the names and places of business of all registered architects and civil engineers shall be prepared annually by the secretary of the board. Copies of this roster shall be obtainable by each person so registered and a copy shall be placed on file with the secretary of state.

(5) The following facts established in the application shall be recorded as evidence satisfactory to the board that the applicant is qualified as an architect or as a civil engineer, to wit:

(a) An applicant for registration as an "architect" shall submit satisfactory evidence to the board as follows:

1. That he or she has acquired a thorough knowledge of sound construction, building hygiene, architectural design and mathematics.

2. Applicants shall also submit satisfactory evidence of at least five years' practical experience in the design and construction of buildings, or

3. A diploma of graduation or satisfactory certificate from a recognized architectural school or college together with at least three years' practical experience in the design and construction of buildings, but the three years' experience shall be counted only if beginning at the completion of the courses leading to the diploma or certificate.

4. Any person who has been engaged in the designing and construction of buildings for others for a period of five years or more and submits evidence thereof by exhibit not controverted by evidence of a lack of ability to fully protect the welfare of the public, shall be granted registration to practice architecture, providing

application under this paragraph is made to the board within one year from the time this section becomes effective.

(b) An applicant for registration as a "civil engineer" shall submit:

1. A specific record of seven or more years of active practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or,

2. A diploma of graduation in civil engineering or satisfactory certificate in civil engineering from a school or college approved by the board as of satisfactory standing, having a course in civil engineering of not less than four years, and a specific record of an additional three years of active practice in civil engineering work, of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work.

(3) Graduation in civil engineering from a school of recognized standing shall be considered as equivalent to four years of active practice and the satisfactory completion of each year of work in such school without graduation shall be considered as equivalent to a half year of active practice. Graduation in a course other than civil engineering from a college or university of recognized standing shall be considered as equivalent to two years of active practice; provided, however, that no applicant shall receive credit for more than four years of active practice because of educational qualifications.

(c) No person shall be eligible for registration as an architect or civil engineer who is not of good character and repute. In considering the qualifications of applicants, responsible charge of architectural or civil engineering teaching may be construed as responsible charge of work.

(d) In cases where the evidence presented in the application does not appear to the board to be conclusive or to warrant the issuance of a certificate of registration, the applicant may be required to present further evidence for the consideration of the board, and may also be required to pass an oral or written examination, or both, as the board may determine.

(e) When oral or written examinations are required, same shall be held at such time and place as the board shall determine. The

scope of the examinations and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and/or supervise architectural or civil engineering work, which shall insure the safety of life, health and property. A candidate failing an examination shall, upon application and the payment of the regular fee, be examined again by the board.

(6) A firm, or a copartnership, or a corporation, or a joint stock association may engage in the practice of architecture or civil engineering in this state only provided such practice is carried on under the responsible direction of one or more registered architects or civil engineers. Any and all plans, sheets of design and specifications shall carry the signature of the registered architect or registered civil engineer who is in responsible charge.

(7) The following persons shall be exempted from registration under the provisions of this section, to wit:

(a) A person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein the profession of architecture or of civil engineering if he or she shall have filed with the board an application for a certificate of registration and shall have paid the required fee. Such exemption shall continue only for such time as the board requires for the consideration of the application for registration; provided, that such a person is legally qualified to practice said profession in his or her own state or country.

(b) An employee of a person holding a certificate of registration in this state who is engaged in the practice of the profession of architecture or of civil engineering and an employe of a person temporarily exempted from registration; provided, such practice does not include responsible charge of investigation, design, supervision or construction, as defined in this section.

(c) Officers and employes of the government of the United States while engaged within this state in the practice of the profession of architecture or of civil engineering for said government.

(d) A person who practices the profession of civil engineering as a regular employe of a public service company by rendering to such company engineering services in connection with its facilities which are subject to regulation, supervision and control by a commission of the state of Wisconsin.

(e) Any person who practices the profession of architecture or engineering, exclusively as a regular employe of a private company or corporation, by rendering to such company architectural or civil engineering services in connection with its operation, so long as such person is thus actually and exclusively employed and no longer; provided, that such company shall have at least one architect or civil engineer, registered under the provisions of this section, in responsible charge of such company's architectural and/or civil engineering work in this state.

(f) Nothing contained in this section shall prevent persons, mechanics or builders from making plans and specifications for, or supervising the erection, enlargement or alterations of any building or part thereof which is used for a private residence for a single family or a building for farm purposes or for any auxiliary building in connection with any such residential building or farm building. Nor shall anything contained in this section prevent persons, firms or corporations, mechanics or builders from making plans and specifications for, or supervising the erection, enlargement or alteration of any other class of building, the dimensions of which are not in excess of fifty thousand net usable cubic feet. Nor shall anything contained in this section prevent persons, firms or corporations, mechanics or builders, from making repairs or interior alterations to buildings, which do not affect health or safety.

(8) (a) The board shall, upon application therefor, and the payment of the required fee, issue a certificate of registration as an architect or as a civil engineer to any person who holds an unexpired certificate of similar registration issued to him or her by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects or of civil engineers are of a standard not lower than specified in this section; provided, however, that the registration boards of said states, territories, possessions or countries shall grant full and equal reciprocal registration rights and privileges to registrants of this state. Agreements for reciprocity with other states, territories, possessions or countries may be entered into by the board at its discretion.

(b) The board shall, upon application therefor and payment of the required fee, issue a certificate of registration as an architect or as a civil engineer to any person who holds an unrevoked card

or certificate of national reciprocal registration, issued by any state, province or country in conformity with the regulations of the national council of state boards of architectural or engineering examiners, and who complies with the regulations of this board, except as to qualifications and registration fee.

(c) At any time within one year after this section becomes effective, upon due application thereof and the payment of the required registration fee, the board shall issue a certificate of registration, without oral or written examination, at any time, to any civil engineer who shall submit evidence under oath to the board that he is of good character and that he has been a resident of the state for at least five years immediately preceding the date of his application, and that he has been a designing and supervising civil engineer as defined in this section for a period of ten years. Such certificate of registration shall be renewed as provided in this section without oral or written examination.

(9) (a) Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath showing the applicant's education and detail summary of his or her technical work, and shall contain not less than five references, of whom three or more shall have personal knowledge of his or her engineering or architectural experience.

(b) The registration fee for architects or for civil engineers shall be fifteen dollars, five dollars of which shall accompany application, the remaining ten dollars to be paid upon issuance of certificate. Should the board deny the issuance of a certificate of registration to any applicant, the initial fee deposited shall be retained as an examination fee.

(c) The registration fee for architects or for civil engineers who hold an unexpired certificate of similar registration issued by proper authority in any country, state or territory outside of this state with whom reciprocal relations are authorized by the board, shall be ten dollars to be paid upon issuance of certificate.

(d) The fee for the issuance of a new certificate to replace any certificate revoked, lost, destroyed or mutilated shall be three dollars.

(e) The board shall issue a certificate of registration upon payment of registration fee to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this sec-

tion. The certificate shall authorize the practice of "architecture" or of "civil engineering". Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(f) The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect or of a registered civil engineer under the classification stated on his or her certificate, while said certificate remains unrevoked or unexpired.

(g) Certificates of registration shall expire on the last day of the month of July of the second year following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this section of the date of the expiration of his or her certificate and the amount of the fee that shall be required for its renewal for two years; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of July by the payment of a fee of five dollars. The failure on the part of any registrant to renew his certificate every second year in the month of July as required above, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of July shall be increased ten per cent for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Architects registered prior to this section becoming effective shall be required to renew their registration on or before July thirty-first of the second year following the passage of this act.

(10) The board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency or misconduct in the practice of architecture or of civil engineering as a registered architect or as a registered civil engineer;

(c) Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. Such

charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the board. The board may also, on its own motion make such charges. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the division of the board interested, with three months after the date on which they shall have been preferred.

(d) The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him or her, and to produce evidence and witnesses in his own defense.

(e) If, after such hearing, four members of the division of the board holding the hearing vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered architect or registered engineer.

(f) Appeals from the action of the board may be had to the circuit court of Dane county in the manner provided in section 101.26.

(g) The board, for reasons the interested division may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing four members of the architectural division or four members of the engineering division of the board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules of the board and the payment of the required fee.

(11) (a) Any person who shall practice, or offer to practice, architecture or the profession of civil engineering in this state without being registered or exempted in accordance with the provisions of this section, or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or

shall violate any of the provisions of this section, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than three months, or both.

(b) It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this section and to prosecute any persons violating same. The attorney-general of the state or his assistant shall act as legal advisor of the board and render such legal assistance as may be necessary in carrying out the provisions of this section.

(c) If any subsection or subsections of this section shall be declared unconstitutional or invalid, this shall not invalidate any other subsection of this section.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 3, 1931.

No. 795, A.]

[Published July 10, 1931.

CHAPTER 487.

AN ACT to appropriate a sum of money therein named for the use and benefit of certain Indians, therein designated, providing for a committee to supervise the distribution of such money and defining the powers and duties of such committee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is appropriated from the general fund on July 1, 1931, the sum of thirteen thousand one hundred eighty-six dollars and sixty-two cents for the use and benefit of the Indians of the La Point band, commonly called the Bad River band, at Ashland, Wisconsin, as an emergency appropriation for the purpose of aiding such Indians in agriculture, industry and such other purposes as the committee hereinafter mentioned deems proper. No part of the appropriation shall be paid, directly or indirectly, to any attorneys representing the Indians and not more than five hundred dollars of this appropriation may be used for the payment of expenses incurred by the committee.