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# ROBERT BROOKS

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STATE REPRESENTATIVE • 60<sup>TH</sup> ASSEMBLY DISTRICT

**Wisconsin State Assembly Committee on Government Affairs and State Operations  
Wednesday, September 16, 2015**

Thank you Chairman Swearingen and members of the committee for allowing me to testify on AB 285, today.

AB 285 seeks to resolve problems that have arisen in my district and throughout the state regarding columbaria and their definition. Recently, DSPS opined that columbaria are a type of mausoleum and therefore need to be located in a cemetery. This interpretation of current law poses innumerable problems and controversies, as religious organizations have already constructed columbaria on their property or in the church itself. To our knowledge, DSPS has not been enforcing this law. As such, AB 285 seeks to provide clarity to the law while allowing local municipalities to control zoning ordinances. My office has vetted this issue with the Cemetery Association and believe we have a reasonable solution for all parties to proceed in the future.

AB 285 provides that a columbarium established and used by a church or other religious association will be treated the same as a religious cemetery in Wisconsin Statutes if certain conditions are satisfied, including all of the following:

- The columbarium must be located on property where the religious association's church building or other place of worship is located and the property is owned by the religious association.
- The religious association ensures that the columbarium is perpetually kept and maintained in a manner consistent with current Wisconsin cemetery law.
- If the religious association ceases to occupy the church building or other places of worship where the columbarium is located, the religious association relocates the urns contained in the columbarium.

With more individuals choosing cremation over traditional burial, this legislation will ultimately affect every legislative district in Wisconsin, and nobody in this room wants to deny individuals the ability to have their remains interred in a fashion that complies with their final wishes. That is why, I believe, it is imperative that the legislation make these necessary changes to state statutes and afford churches and religious organizations with the autonomy necessary to comply with the wishes of the individuals while still protecting the rights of municipalities to control zoning. Thank you for your time and consideration.



# Mary Lazich

President  
Wisconsin State Senate

**Assembly Committee on State Affairs and Government Operations  
Assembly Bill 285  
September 16, 2015**

Thank you Chair Swearingen for scheduling Assembly Bill 285 (AB 285) a public hearing, and thank you committee members for attention to AB 285. AB 285 clarifies the difference between mausoleums and columbaria.

Mausoleums are defined within Wisconsin State Statutes as any "...building, structure or part of a building or structure that is used or intended to be used for the burial of human remains." AB 285 defines columbaria as a structure used *only* for human cremated remains. While mausoleums benefit with cemetery regulations, columbaria does not.

Atonement Lutheran Church at Muskego, Wisconsin is developing an outdoor Memory Garden. The Memory Garden includes 50 niches for cremated human remains. Ron Petersen and fellow Atonement Lutheran Church member Tom Larsen brought this issue to my attention and submitted written testimony supporting AB 285.

AB 285 allows religious associations to erect columbaria and requires religious associations manage remains the same way they would manage a mausoleum. AB 285 defines columbarium, allows columbaria located on property owned by a religious association, and requires a perpetual trust to maintain the columbaria.

I ask the committee approve AB 285. Thank you for your attention.



# Wisconsin Council of Churches

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Armenian Church of America-Eastern Diocese  
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Archdiocese of Milwaukee  
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Diocese of LaCrosse

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Benedictine Women of Madison  
Church Women United  
Interfaith Conference of Greater Milwaukee  
Leadership Conference of Women Religious Region 9  
Madison-area Urban Ministry

**Rev. Scott D. Anderson,**  
**Executive Director**

**DATE:** September 16, 2015

**TO:** Assembly Committee on State Affairs and Government Operations

**FROM:** Dr. Peter Bakken, Public Policy Coordinator, Wisconsin Council of Churches

**RE:** AB 285 - Columbaria

**POSITION:** Support

The Wisconsin Council of Churches, which represents 17 Protestant and Orthodox denominations, almost 2,000 congregations and one million church members, is pleased to support SB 229 concerning the construction of columbaria on church property. We wish to thank Representative Brooks and the other bill co-sponsors for providing leadership on this issue.

Current state law defines a columbarium as a type of mausoleum and mandates that it be located in a cemetery.

There is a growing nationwide movement in segments of the Christian community to build columbaria on church property. This movement includes Lutherans, Episcopalians, Presbyterians and Congregationalists, among others. Given the importance of congregations in the lives of believers, it should be no surprise that increasing numbers of Christians choose to have their remains interred on the grounds of their spiritual community. This desire is a reflection of their deepest religious convictions.

While there are no specific figures available, the Wisconsin Council of Churches estimates that are 10-20 churches in Wisconsin that have *already* built columbaria on church grounds. When these were approved by local zoning authorities, both the churches and the local authorities were unaware of the relevant state statutes.

Now that the state statutes are being enforced, we believe AB 285 is a clear remedy for congregations that are contemplating or planning to construct columbaria on church property, subject to the approval of the local zoning authorities.

We therefore urge the committee to approve AB 285.

*We pray and work together for the unity and renewal  
of the church and the healing and reconciliation of the world*

My name is Ron Petersen. I am a business owner in New Berlin and property owner in Muskego. The purpose of this letter is to show my support for Assembly Bill 285 on columbaria.

A few things to note regarding cremation and columbarium's in Wisconsin:

----the rate of those cremated is just under 50 %. It has been increasing by nearly 2% per year over the past 10 years.

----the ashes of those cremated (technically called cremains) pose absolutely no environmental hazards.

----following Wisconsin's green efforts, it is environmentally desirable in that it takes up a fraction of the space. A 50 niche columbarium may only be 18 inches wide, 5 feet high, and 10 feet long and can be placed inside or outdoors. How much space does 50 graves in a cemetery take up??

----unlike cemeteries, columbarium's can be moved if necessary (new road construction, etc.)

----families, if they move for instance, can easily remove an urn containing the cremains of a loved one and take it



with them, whereas in ground, full body interment, is next to impossible to move.

----cremation/columbarium's have far less funeral expenses for families on tight budgets vs traditional cemetery burial.

----as you know, when a body is placed in a casket in the ground at a cemetery there are strict laws regulating this process---when someone is cremated the surviving spouse, for instance, can keep her loved one's ashes on her mantle, in her purse, in the glove compartment, spread in the garden, etc. It is so different than being a full body ground interment---hence Assembly Bill 285 would recognize this difference and free columbarium's from regulations that don't need to apply to begin with.

----in nearly every town, city, or village in Wisconsin you will find a church that has its own cemetery. A place where residents can remember friends and relatives who have meant so much to them---a columbarium does the same thing in creating a legacy for the community and for the church.

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I strongly support Assembly Bill 285---thanks for your time.

My name is Tom Larsen. I am a resident of New Berlin, WI.

Facing the reality of death, my wife Judy and I want to be the ones to make arrangements for our earthly remains when we pass from this life. We have chosen cremation. That said, we feel it our responsibility to determine what happens to those remains. I am writing you in support of Assembly Bill 285 on columbaria.

A text book definition for a columbarium is it's a special place on church grounds for the interment of ashes of deceased church members and family. "Columbium" is Latin for a nesting place for doves. For centuries the dove has symbolized the Holy Spirit. Early Christians therefore associated the small compartments occupied by domesticated doves with storage facilities for cremated remains of their loved ones and friends.

We feel strongly that the development of a columbarium "memory garden" at our church would provide for placement of cremated remains in a manner that is reverent, public, permanent, marked and a part of an appropriate setting. A place on the grounds of our church that we have so loved and been a part of for nearly 50 years. A peaceful, beautiful place to remember, reflect and celebrate loved ones in the spirit of dignity and reverence. A garden setting that assures perpetual memory.

Please vote AB 285 up to the floor for a vote.