



2015 ASSEMBLY BILL 285

July 8, 2015 - Introduced by Representatives R. BROOKS, J. OTT, KITCHENS, BRANDTJEN, KREMER, QUINN, ALLEN, KOOYENGA and KAHL, cosponsored by Senators LAZICH, NASS, STROEBEL and LASEE. Referred to Committee on State Affairs and Government Operations.

- 1 **AN ACT** *to create* 157.123 of the statutes; **relating to:** regulation of columbaria
2 maintained by religious associations.

Analysis by the Legislative Reference Bureau

This bill creates an exemption from the requirements applicable to mausoleums and cemeteries for certain columbaria maintained by religious associations. A columbarium is a building, structure, or part of a building or structure that is used or intended to be used for the inurnment of cremated human remains. Under current law, a columbarium that contains more than ten niches for the repose of cremated human remains or in which at least one niche is offered for sale to the general public is considered a "public mausoleum" and must be located in a cemetery. All columbaria are subject to certain other requirements applicable to mausoleums under current law.

The exemption created in this bill provides that a columbarium established and used by a church or other religious association is not subject to the requirements for mausoleums and cemeteries, including the requirement that a public mausoleum be contained in a cemetery, if certain requirements are satisfied, including all of the following:

1. The columbarium must be located on property owned by the religious association and on which is located the religious association's church building or other place of worship.
2. The religious association must ensure that the columbarium is perpetually kept and maintained in a manner consistent with the intent of Wisconsin's cemeteries law, including by ensuring that sufficient funds are continually available for the care of the columbarium.

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3. If the religious association ceases to use or occupy the church building or other place of worship where the columbarium is located, the religious association must relocate the urns contained in the columbarium.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 157.123 of the statutes is created to read:

2 **157.123 Columbaria maintained by religious associations. (1)**

3 **DEFINITION.** In this section, “columbarium” has the meaning given in s. 440.70 (4).

4 **(2) EXEMPTION.** A columbarium that is established and used by a religious
5 association is not subject to any requirement under this subchapter applicable to a
6 mausoleum or cemetery if all of the following requirements are satisfied:

7 (a) The columbarium shall be located on property owned by the religious
8 association and on which is located the religious association’s church building or
9 other place of worship.

10 (b) The religious association shall ensure that the columbarium is perpetually
11 kept and maintained in a manner consistent with the intent of this chapter, including
12 by ensuring, consistent with the intent under ss. 157.12 (3) and 157.63, that
13 sufficient funds are continually available for the care of the columbarium.

14 (c) If the religious association ceases to use or occupy the church building or
15 other place of worship where the columbarium is located, the religious association
16 shall relocate all of the urns in the columbarium containing cremated remains.

17 **(3) APPLICATION.** (a) Except as provided under par. (b), this section applies to
18 all columbaria, including columbaria for which initial construction was commenced
19 prior to the effective date of this paragraph [LRB inserts date].

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1 (b) This section does not apply to a columbarium for which initial construction
2 was commenced during the period beginning on the effective date of this paragraph
3 [LRB inserts date], and ending on the last day of the 12th month beginning after
4 the effective date of this paragraph [LRB inserts date].

5

(END)