



THE EPISCOPAL
DIOCESE
OF MILWAUKEE

The Rt. Rev. Steven
Andrew Miller, D.D.,
Bishop

March 18, 2015

Dear Friends,

We are writing to inform you of a situation regarding the right of churches to construct and maintain columbaria on church property in the State of Wisconsin.

Cremation is growing in popularity accounting for over 40% of funerals last year. Many of our churches have installed a columbarium on their premises so that the remains of their members may be respectfully interred in a place that they knew and loved. The State of Wisconsin has recently issued a ruling that threatens this practice.

Since December, three communities — Cedarburg, and the towns of Port Washington and Brookfield — have blocked churches in the community from building a columbarium on church property saying they are essentially mausoleums. The Department of Safety and Professional Regulation has concurred. This is state agency that regulates cemeteries.

The decision (which can be found on the Cathedral website www.ascathedral.org) states that columbaria are mausoleums. Furthermore state statutes dictate that mausoleums can only be built in cemeteries. This places the practice of the establishment of a columbarium by a church on its own property in jeopardy. Their opinion goes as far as suggesting that churches and others could be prosecuted if they are found to have violated state law.

Two members of the State Assembly are working on legislation to address the situation. They are the Hon. Edward Brooks (R-Reedsburg) and the Hon. Joe Sanfilippo (R-West Allis). We are asking that all clergy and members of the parishes of the Diocese of Milwaukee write to them, as well as their own representatives in the Assembly and the Senate, asking them to address this issue. See pg. 3 of this document for contact information.

This issue goes far beyond the scope of municipal ordinances or zoning. State interference in the burial of our dead is a violation of the First Amendment and the Religious Land Use. It may also be a violation of the Institutionalized Persons Act, a federal law that bars state and local governments from using their zoning codes to discriminate against religious institutions.

Please write these members of the Assembly and Senate asking them to:

- Amend the statutes to differentiate between a mausoleum and a columbaria, and
- Exempt churches to the greatest extent possible regulation of a columbarium on church property from municipal and county ordinances and state statutes.

There are also strong financial interests involved. The Wisconsin Cemetery Association is also in conversation with legislators on this issue. So, it is especially important that churches also weigh in on the issue.

TIME IS OF THE ESSENCE. Please forward this information to as many members and friends of your congregations as possible. Please act now.

Sincerely,

The Rt. Rev. Steven A. Miller
Bishop of Milwaukee

The Very Rev. Kevin Carroll
Dean and Rector, All Saints' Cathedral

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[Date]

The Honorable ?
Room ?
State Capitol
P.O. Box 8952
Madison, WI 53707

Re: Municipal and State Regulation of a columbarium on church property.

Dear Representative/Senator ?:

My name is _____, and I reside at _____.

I am writing to voice my concern over the recent decision by the Department of Safety and Professional Regulation to classify a columbarium as a mausoleum. Furthermore I am concerned about interference of state and local governments in the religious practices of congregations in this state, especially when it comes to the interment of cremains on church property. This is a clear violation of the First Amendment. It is also may be a violation of the Religious Land Use and Institutionalized Persons Act which bars state and local governments from using their zoning codes to discriminate against religious institutions.

I would urge you to cause the statutes of the State of Wisconsin to be amended to:

- Differentiate between a columbarium and a mausoleum.
- Exempt a columbarium located on church property to be exempted to the greatest extent possible from local and state regulations.

Thank you for your service to our state and for your consideration in this matter.

Sincerely,

(Be sure to sign your name, and print your name, address, city, state and zip code)

The Honorable Edward Brooks
Room 20 North
State Capitol
P.O. Box 8952
Madison, WI 53708

The Honorable Joe Sanfelippo
Room 306 North
State Capitol
PO Box 8953
Madison, WI 53708

<http://docs.legis.wisconsin.gov/2015/legislators/assembly#S>