



WISCONSIN CATHOLIC CONFERENCE

TESTIMONY ON SENATE BILL 302: CEMETERY REGULATION

Presented to the Senate Committee on Elections and Local Government
By Kim Wadas, Associate Director
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On behalf of the Wisconsin Catholic Conference (WCC), I thank you for the opportunity to provide testimony for information on Senate Bill 302.

Within the Catholic Church, cemeteries are a vital ministry by which we witness our reverence for the body. Traditionally, religious cemeteries have been treated differently than other cemetery sites because they are different. The Church operates cemeteries as a part of our pastoral activity, designed to serve our members. While others may be buried in our cemeteries, such as charitable burials and the burial of family members, we primarily serve those who share our faith tradition. This ministry should not be hampered nor its future viability compromised by laws that go farther than necessary to remedy problems that may exist within cemeteries statewide.

The WCC has considerable concerns with certain provisions of Senate Bill 302, as the bill would remove existing exemptions that recognize the unique nature of religious cemeteries. Provisions regarding the transfer of cemetery land, platting, and conveyances will now apply to religious cemeteries.

One of the most concerning provisions is the requirement regarding platting, which triggers the authority to sell or convey lots. Senate Bill 302 would require that a professional land surveyor plat all lands required for burial through a certified survey. The plat or map must be recorded with the office of the register of deeds. Traditionally, under Wisconsin Statutes s. 157.07(6), cemeteries operated by religious associations need not adhere to these requirements. Religious cemeteries have also been exempt from limitations on conveyance tied to platting under Wisconsin Statutes s. 157.08(5).

Catholic cemeteries have served parishes, families, and the faithful for decades. Many of our cemeteries have existed for over a hundred years and are administered by a parish pastor with volunteer assistance. Providing a full plat of long-standing, active Catholic cemeteries would be a costly endeavor that would garner little useful information. The cemetery may already retain a record of the lands that properly indicates the location of cemetery lots, drives, and walks, but may not be a certified survey, or a recent certified survey. To incur this kind of expense when these cemeteries are already non-profit endeavors designed to meet a ministerial need within the Church seems unnecessary.

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Senate Bill 302 would also alter provisions regarding the alienation, disposition, and use of cemetery lots and mausoleum spaces. Senate Bill 302 defines who may and may not own a lot upon the death of an existing owner. These limitations on disposition would not apply to a religious cemetery if the cemetery adopts a written policy that differs from these legal requirements. Within religious cemeteries, an individual is provided a right of burial rather than ownership in a specific lot. Generally, this right can be transferred to heirs, and even resold, but must be done so in a manner consistent with Church teaching. A general exemption from compliance with SB 302's disposition provisions, rather than requiring a religious cemetery to develop a written policy, would prevent any confusion regarding a religious cemetery's need for compliance with the statute. However, should the written policy requirement remain, the WCC seeks clarification that a religious cemetery policy which invokes compliance with Church teaching is sufficient and would not trigger objection under the provisions of this bill.

Finally, Senate Bill 302 would establish new record-keeping requirements for each deceased person buried in a cemetery, including "the name of the person authorizing the burial and his or her relationship to the deceased." There is a question as to how a cemetery that no longer has a means to obtain this information may achieve compliance with this requirement. Clarification that the new record-keeping requirement would apply solely to burial sales provided after the bill's effective date would prove helpful.

The WCC acknowledges and appreciates the changes made to the definition of "religious association" under SB 302, which would include religious cemeteries that are not administered under the typical congregation model. As parishes merge and change, it is helpful to have a definition that accommodates these emerging Church structures.

The WCC has worked with and continues to work with representatives of the Wisconsin Cemetery and Cremation Association to address these concerns. It is our hope that clarifications and corrections can be made regarding Senate Bill 302's effect on the operation of religious cemeteries.

Thank you again for the opportunity to raise these concerns regarding SB 302.