

Legislature taking steps to uphold objections to rules regulating PFAS, banning gay conversion therapy

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The Legislature today took steps to uphold objections to administrative rules to regulate PFAS, ban gay conversion therapy and prohibit landlords from charging a fee for late rent during the pandemic.

They and other rules were in a half-dozen bills that the two chambers placed on their calendars today in a move designed to keep the objections in place while avoiding the gov.

Dems accused Republicans of abusing the legislative process to prevent the regulations from being enforced.

Sen. Tim Carpenter, who is gay, denounced conversion therapy as a medieval practice that he likened to burning witches during the Salem witch trials. Carpenter, D-Milwaukee, said he has tried several times to introduce legislation banning the practice, but has been rebuffed in his attempts to get a hearing.

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Wisconsin doesn't have a statutory ban on the practice. The proposed rule from the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board sought to declare employing or promoting a treatment that attempts to change a person's sexual orientation or gender identity constitutes unprofessional conduct.

Such a rule would serve as a de facto ban on the practice.

"It doesn't work. It's a sham. It's a political talking point to make some people feel

good like Rush Limbaugh, and it's not the truth," Carpenter said, referring to the former conservative talk show host who was to be honored by the Senate later in the day.

The Legislature has several options to sustain a Joint Committee for Review of Administrative Rules objection to an administrative rule, including approving a bill that is then signed by the gov. But that is unlikely to happen with Gov. Tony Evers in the East Wing.

Instead, both houses put the bills on their calendars. Both houses approved sending the legislation to committee, which keeps the rules from being enforced.

Other bills referred to committee include prohibiting the Division of Personnel Management in the Department from providing paid administrative leave for hours not worked during the COVID-19 pandemic.

In the Senate, the votes were largely along party lines, though Sens. Rob Cowles and Eric Wimberger, both Green Bay Republicans, voted against sending the PFAS bill to committee. Northeastern Wisconsin has been one of the hotspots in the state for PFAS contamination.

Sen. Steve Nass, the JCRAR chair, defended the moves, particularly on the PFAS rules. He said the Department of Natural Resources went beyond what the Legislature allowed in state statute with provisions in the rule it promulgated to regulate the chemical. He said that includes a definition of firefighting foam, one of the sources of the chemical contamination, that wasn't in the legislation.

"We cannot allow various departments, whether it's the Department of Natural Resources, Revenue, any of them to go outside the boundaries of what we the Legislature who represent the people have defined in the legislation we passed," the Whitewater Republican said.