

Rep. Jake Hoffman, R-Queen Creek, speaks at a Jan. 9, 2023 press conference as leader of the Arizona Freedom Caucus. Senate Republicans on June 26 said they will not consider any of Gov. Katie Hobbs' executive nominees until the governor agrees to meet with them to discuss her executive orders. (Photo by Camryn Sanchez/Arizona Capitol Times)

Senate GOP halts nominee hearings in response to abortion order

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Senate Republicans say they will not consider any of Gov. Katie Hobbs' executive nominees until the governor agrees to meet with them to discuss her executive orders.

In particular, Republicans are concerned by an order Hobbs issued on Friday effectively banning prosecution of abortions by putting them in the hands of Attorney General Kris Mayes. Mayes already confirmed she won't prosecute abortions.

The legality of that order is somewhat in question.

In a press release issued this afternoon, Senate Republicans on the director nominations committee said they requested a meeting with Hobbs to "address this flagrant abuse of power and to discuss future legally questionable overreach her office intends to issue requiring complicity from Executive Directors."

Hobbs has issued several executive orders in her first year as governor which Republicans have taken issue with. This latest order is the most significant move Hobbs has made on abortion so far.

“Senator Hoffman has shown a reckless disregard for small businesses, Veterans, children and everyday Arizonans by failing to fairly consider nominees and holding state agencies hostage to his partisan political games. Based on his current pace, Governor Hobbs would not have all her nominees confirmed until her second term,” Hobbs’ Communications Director Christian Slater said in a text.

The executive order also establishes a reproductive freedom council and blocks state agencies, including their directors, from providing any information or help to an investigation on abortion in Arizona.

In previous director nominations committee hearings, Sen. Jake Hoffman, R-Queen Creek, usually asks nominees whether they will disregard the law if the governor instructs them to do so. They usually say no, but in this case, there’s a concern that nominees could be forced to choose between following state law and obeying executive orders, which also carry legal authority.

Hoffman and Senate President Warren Petersen, R-Gilbert, did not respond to requests for comment, but Hoffman and Senators T.J. Shope, R-Coolidge, and Sine Kerr, R-Buckeye, are quoted in the Senate’s statement.

“We are now forced to redirect our attention, from confirming directors and creating good policy for the people of Arizona, to examining the fallout of Hobbs’ unconstitutional maneuver, as well as the likelihood of future overreaches of her authority,” Hoffman is quoted in the statement.

Hobbs stated in her executive order on abortion that Mayes, rather than one of the state’s county attorneys, will decide whether to prosecute abortions. After 15 weeks, state law mandates that a doctor who performs an abortion in Arizona “shall be punished by imprisonment in the state prison for not less than two years nor more than five years.”

The Senate Director Nominations Committee was scheduled to meet on Thursday morning to consider the nomination of Barbara Richardson to lead the Department of Insurance and Financial Institutions, but that is postponed indefinitely.

“The important work of the Committee on Director Nominations cannot continue until we have assurances from the Governor that she will cease her attempts to circumvent the laws of this state and the rulings of the United States Supreme Court,” Kerr is quoted as saying.

Senate Majority Communications Director Kim Quintero confirmed that the Senate will not hold any more hearings until Hobbs meets with them.

“Senator Jake Hoffman has shown his disregard for government and everyday Arizonans once again today. By failing to schedule the confirmation hearings for the Governor’s nominees, he shows how ineffective and partisan the Republican party in Arizona truly is. I am disgusted by this move of extremism and call on his leadership to rectify his foolish actions,” Sen. Lela Alston, D-Phoenix, said in a statement. She also sits on the director nominations committee.

Gubernatorial nominees can serve for a year without being approved by the Senate, but they must ultimately be approved by the majority of the chamber.

Earlier this session, the Senate formed a new committee on director nominations chaired by Hoffman to vet Hobbs’ nominees.

Hoffman is not a fan of Hobbs. He promised to sue her over an executive order earlier this year, and he’s called both her and her nominees “extremists” and “racists.”

Before this year, the Senate considered the governor’s nominees in existing committees.

The Senate is currently adjourned and won’t return until July 31. One of the only issues lawmakers and Hobbs are expected to work on is the Prop 400 Maricopa County transportation tax extension. Republicans in the Legislature passed a version of the tax extension which was promptly vetoed by Hobbs.

Quintero said that Prop 400 and director nominations are two separate issues, meaning that this discord between the Senate Republicans and the governor is not any indication of how those negotiations are going.

“At the end of the day, government has to run, and she has to have directors in stability within those agencies for them to be successful,” High ground lobbyist Douglas Cole said of Hobbs.

Arizona Capitol Times reporter Nick Phillips contributed to this report