

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE
APPROPRIATIONS, TRANSPORTATION
& TECHNOLOGY COMMITTEE

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DATE: June 12, 2026

SUBJECT: Strike everything amendment to H.C.R. 2048, relating to military families

Purpose

Subject to voter approval, constitutionally prohibits the state from confiscating monies from any scholarship account of a student who is a child of a military family if outlined conditions are met. Stipulates that, if a law or measure approved by the voters on or after November 1, 2026, violates the prohibition, the entire law or measure is void. Designates this resolution as the *Military Families College Savings and Scholarship Protection Act*.

Background

The parent of a qualified student may enroll the student for an empowerment scholarship account (ESA), which is funded at 90 percent of the Base Support Level and charter additional assistance that a student would have been allocated if the student were attending a charter school. ESA monies may be used for permissible expenses, including: 1) tuition or fees at a qualified school; 2) tuition and fees at an eligible postsecondary institution; 3) textbooks, curricula and supplementary materials; and 4) outlined goods and services. The parent must agree to prescribed terms, which include an agreement to not enroll the student in a school district or charter school and to use a portion of ESA monies as outlined to provide an education in at least the specified subjects of reading, grammar, mathematics, social studies and science ([A.R.S. § 15-2402](#)).

Statute prescribes categories of *qualified students* who are eligible for an ESA, which include the child of a parent who is a member of the U.S. Armed Forces and is on active duty or was killed in the line of duty. In 2022, the Legislature expanded ESA eligibility to include an Arizona resident who is eligible to enroll in an Arizona public school and who does not otherwise qualify for an ESA (A.R.S. §§ [15-2401](#) and [15-2401.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the state from confiscating monies from any scholarship account of any student who is a child of a military family if the following apply:
 - a) the scholarship account is established and maintained by the state pursuant to a program that designates any student who is a child of a military family and satisfies enrollment requirements as eligible to receive scholarship monies; and
 - b) the student may use monies in the scholarship account for tuition or fees at eligible postsecondary educational institutions.

2. Specifies that the eligibility requirement for the scholarship account program does not limit the prohibition on confiscating monies from a scholarship account to only scholarship account programs that are established and maintained by the state for only children of military families.
3. Stipulates that, if a bill enacted into law or a measure approved by the voters on or after November 1, 2026, violates the prohibition on confiscating scholarship account monies, the entire bill or measure is void.
4. Prohibits a court from severing any portion of a bill or measure that violates the prohibition on confiscating scholarship account monies.
5. Specifies that *confiscate* includes seizing, transferring or otherwise taking monies from a scholarship account.
6. Specifies that *confiscate* does not include acts related to the closure of a scholarship account if:
 - a) the student or account holder is found personally responsible for illegal activity or wrongdoing in a proceeding in which the student or account holder received individualized due process of law;
 - b) the student or account holder voluntarily closes or fails to renew a scholarship account;
 - c) the student graduates from an eligible postsecondary educational institution; or
 - d) the student is ineligible to maintain a scholarship account under a scholarship program because the student did not enroll in an eligible postsecondary educational institution for a period of at least four consecutive years after graduating from high school.
7. Defines *child of a military family* as a student who is a child of a person who:
 - a) is serving on active duty as a member of the U.S. Armed Forces;
 - b) was serving on active duty as a member of the U.S. Armed Forces when the student's eligibility was initially determined; or
 - c) was a member of the U.S. Armed Forces who was killed in the line of duty.
8. Defines *eligible postsecondary educational institution* as:
 - a) a public university;
 - b) an Arizona community college district; or
 - c) an accredited private postsecondary institution.
9. Designates this resolution as the *Military Families College Savings and Scholarship Protection Act*.
10. Requires the Secretary of State to submit the proposition to the voters at the next general election.
11. Becomes effective if approved by the voters and on proclamation of the Governor.