

REFERENCE TITLE: workers' compensation; benefit amount.

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2579**

Introduced by  
Representatives Thrasher, Kirkpatrick, Lujan: Campbell CH, Campbell CL,  
Clark, Farley, Lopes, McGuire, Meza, Pancrazi, Rios P, Schapira

AN ACT

AMENDING SECTION 23-1041, ARIZONA REVISED STATUTES; RELATING TO WORKERS'  
COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1041, Arizona Revised Statutes, is amended to  
3 read:

4 23-1041. Basis for computing compensation; definition

5 A. Every employee of an employer within the provisions of this chapter  
6 who is injured by accident arising out of and in the course of employment, or  
7 ~~his~~ THE EMPLOYEE'S dependents in the event of ~~his~~ THE EMPLOYEE'S death, shall  
8 receive the compensation fixed in this chapter on the basis of ~~such~~ THE  
9 employee's average monthly wage at the time of injury.

10 B. If the injured or killed employee has not been continuously  
11 employed for the period of thirty days immediately preceding the injury or  
12 death, the average monthly wage shall be such amount as, having regard to the  
13 previous wage of the injured employee or of other employees of the same or  
14 most similar class working in the same or most similar employment in the same  
15 or neighboring locality, reasonably represents the monthly earning capacity  
16 of the injured employee in the employment in which ~~he~~ THE INJURED EMPLOYEE is  
17 working at the time of the accident.

18 C. If the employee is working under a contract by which ~~he~~ THE  
19 EMPLOYEE is guaranteed an amount per diem or per month, notwithstanding the  
20 contract price for such labor, the employee or ~~his~~ THE EMPLOYEE'S  
21 subordinates or employees working under the terms of such contract or ~~his~~ THE  
22 EMPLOYEE'S or their dependents in case of death shall be entitled to receive  
23 compensation on the basis only of the guaranteed wage as set out in the  
24 contract of employment, whether paid on a per diem or monthly basis, but in  
25 no event shall the basis be less than the wages paid to employees for similar  
26 work not under contract.

27 D. Notwithstanding any other provision of this chapter, in computing  
28 the average monthly wage:

29 1. There shall be excluded from such computation all wages or other  
30 compensation for services in excess of:

31 ~~1-~~ (a) One thousand three hundred twenty-five dollars per month for  
32 employees injured before January 1, 1988.

33 ~~2-~~ (b) One thousand six hundred fifty dollars per month for employees  
34 injured from and after December 31, 1987 but before July 1, 1989.

35 ~~3-~~ (c) One thousand eight hundred dollars per month for employees  
36 injured from and after June 30, 1989 but before July 1, 1991.

37 ~~4-~~ (d) Two thousand one hundred dollars per month for employees  
38 injured from and after June 30, 1991 but before ~~the effective date of this~~  
39 ~~amendment to this section~~ AUGUST 6, 1999.

40 ~~5-~~ (e) Two thousand four hundred dollars per month for employees  
41 injured ~~from~~ ON and after ~~the effective date of this amendment to this~~  
42 ~~section~~ AUGUST 6, 1999 BUT BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO  
43 THIS SECTION.

1           2. ON AND AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION,  
2 THERE SHALL NOT BE ANY EXCLUSION FROM SUCH COMPUTATION.

3           E. Prior to a determination of the average monthly wage, compensation  
4 shall be paid on a basis of a minimum monthly wage of two hundred dollars for  
5 employees eighteen years of age or over.

6           F. ~~It~~ FOR THE PURPOSES OF this section, "monthly wage" means the  
7 average wage paid during and over the month in which the employee is killed  
8 or injured.