

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 2171**

**99TH GENERAL ASSEMBLY**

6008H.02P

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 209.030 and 209.040, RSMo, and to enact in lieu thereof two new sections relating to the blind pension fund.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 209.030 and 209.040, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 209.030 and 209.040, to read as follows:

209.030. 1. Every adult blind person, eighteen years of age or over, of good moral character who shall have been a resident of the state of Missouri for one year or more next preceding the time of making application for the pension herein provided and every adult blind person eighteen years of age or over who may have lost his or her sight while a bona fide resident of this state and who has been a continuous resident thereof since such loss of sight, shall be entitled to receive, when enrolled under the provisions of sections 209.010 to 209.160, an annual pension as provided for herein, payable in equal monthly installments, provided, that no such person shall be entitled to **[a] or be paid a blind pension who:**

(1) Owns property or has an interest in property to the value of ~~twenty~~ **thirty** thousand dollars or more, or if married and actually living with husband or wife, if the value of his or her interest in property, together with that of such husband or wife, exceeds said amount; **provided that, the first one hundred thousand dollars in an individual's ABLE account under sections 209.600 to 209.645 shall be excluded from such asset limit;** provided, further, that in determining the total value of property owned, the real estate occupied by the blind person or spouse as the home, shall be excluded; ~~or who~~

(2) **Obtains, maintains, or renews a valid driver's license in this or any other state or territory, unless such license has been relinquished to the department of revenue and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **the person provides satisfactory proof of such relinquishment to the department of social**  
19 **services;**

20 **(3) Operates a motor vehicle with or without a valid driver's license;**

21 **(4) Has a sighted spouse resident in this state who upon the investigation of the family**  
22 **support division may be found to be able to provide for the reasonable support of such applicant[-**  
23 **or while] if the sighted spouse's annual income is equal to or greater than five hundred**  
24 **percent of the federal poverty level for each state fiscal year;**

25 **(5) Publicly [soliciting] solicits alms in any manner or through any artifice in any part**  
26 **of this state; [and provided, further, that blind persons who are]**

27 **(6) Is maintained in a private or endowed [institutions] institution or [who are inmates]**  
28 **is an inmate of a public institution [shall not be entitled to the benefits of sections 209.010 to**  
29 **209.160], except as a patient in a public medical institution; provided, that benefits shall not be**  
30 **paid to a blind person under sixty-five years of age, who is a patient in an institution for mental**  
31 **diseases or tuberculosis. In order to comply with federal laws and regulations and state plans in**  
32 **making payments to or on behalf of mentally ill individuals sixty-five years of age, or over, who**  
33 **are patients in a state mental institution, the family support division shall require agreements or**  
34 **other arrangements with the institution to provide a framework for cooperation and to assure that**  
35 **state plan requirements and federal laws and regulations relating to such payment will be**  
36 **observed. In the event the federal laws or regulations will not permit approval of the state plan**  
37 **for benefit payments to or on behalf of an individual who is sixty-five years of age, or over, and**  
38 **is a patient in a state institution for mental diseases, this portion of this [section] subdivision**  
39 **shall be inoperative until approval of a state plan is obtained;**

40 **(7) Is otherwise not blind and not eligible for a blind pension under this chapter;**  
41 **or**

42 **(8) Pleads guilty or has been found to have violated section 209.140.**

43 **2. Any applicant for or any recipient of a blind pension who does not submit,**  
44 **without good cause or as otherwise specified by the department of social services, to a**  
45 **vision test as required under section 209.040 within thirty days of a request by the**  
46 **department shall not be eligible for a blind pension and the department shall terminate**  
47 **payment after notice and an opportunity for a hearing.**

48 **3. The applicant for or recipient of a blind pension shall inform the department of**  
49 **any change of address or other contact information and any other change of circumstances**  
50 **that may impact the applicant or recipient's eligibility for a blind pension within ten days**  
51 **of the change. Any notice served on the applicant or recipient shall be sent by certified**  
52 **mail delivered by the United States Postal Service at the applicant's or recipient's address**  
53 **of record and shall be deemed service for all purposes under sections 209.010 to 209.160.**

209.040. 1. No person shall be entitled to a **blind** pension under sections 209.010 to 209.160 who ~~[does not have vision with or without properly adjusted glasses, up to but not including]~~ **is not blind as defined in this section. A person is "blind" for purposes of qualifying for a blind pension under this section if his or her vision cannot be corrected to better than five two-hundredths, in the better eye, or [whose best] if his or her visual field is less than or equal to five degrees as tested with five millimeter target on perimeter in the better eye, for a period that lasted or is expected to last at least twelve months.** No person shall be entitled to receive a pension except upon a scientific vision test **as determined by the department of social services and** supported by a certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department of social services to make such examination.

2. **In order** to continue to be eligible to receive a pension under the provisions of this section, a person shall present to the department of social services every fifth year after the initial vision test, **or sooner at the request of the department if the department has reason to believe the person is not eligible for a blind pension,** a new certificate of an ophthalmologist, a physician skilled in disease of the eye, or an optometrist, designated or approved by the department to make a scientific vision test that such person continues to meet the requirements of this section. **The ophthalmologist, physician, or optometrist who conducted the vision test may indicate that a reexamination should be performed in less than five years if the person's vision may reasonably be expected to improve within five years.** Persons who have been deemed by an ophthalmologist, a physician skilled in disease of the eye, or an optometrist to have no usable vision **in the better eye** shall be exempt from the five-year reexamination requirement of this subsection, **but shall not be exempt from reexamination at the request of the department if the department has reasonable cause to believe that the person may not be blind.**

3. Every person ~~[passing the vision test and having the other qualifications provided in]~~ **who is eligible for a blind pension under** sections 209.010 to 209.160 shall be entitled to receive a monthly pension in an amount established by appropriations made by the general assembly for that purpose but not less than three hundred forty dollars; except that pensions to the blind as provided herein shall not be payable to a blind person unless such person has been declared ineligible to receive aid under the federal supplemental security income program, nor shall pensions to the blind as provided herein be payable to any person who is receiving general relief assistance.

~~[2-]~~ 4. If the funds at the disposal of or which may be obtained by the department of social services for the payment of benefits under this section shall at any time become insufficient to pay the full amount of benefits to each person entitled thereto, the amount of

37 benefits of each one of such persons shall be reduced pro rata in proportion to such deficiency  
38 in the total amount available or to become available for such purpose.

39 ~~[3-]~~ **5.** Medical assistance for blind recipients eligible for such assistance under the  
40 provisions of sections 208.151 to 208.158 shall be payable as provided in sections 208.151 to  
41 208.158 without regard to any durational residence requirement for eligibility out of funds  
42 designated for such medical assistance and not from the blind pension fund.

43 ~~[4-]~~ **6.** The monthly pension provided in subsection 1 of this section shall be ~~[increased]~~  
44 **set** by the general assembly **annually and may be adjusted** by ~~[an]~~ **a supplemental**  
45 **appropriation bill** ~~[by a monthly pension amount which equals]~~ . **The department of social**  
46 **services shall submit to the general assembly a projected estimate of the monthly pension**  
47 **payment for each upcoming fiscal year with the department's proposed budget request for**  
48 **each upcoming fiscal year. The estimate may consider projected revenues from the tax**  
49 **levied under section 209.130, the projected balance in the blind pension fund, projected**  
50 **cash flow estimates to the blind pension fund, and estimates of the number of persons**  
51 **eligible to receive blind pension payments in each upcoming fiscal year. The department**  
52 **may consult with the state treasurer, the department of revenue, and other sources in**  
53 **estimating projected revenues under this subsection. The estimated change in the monthly**  
54 **pension payment for each upcoming fiscal year shall be calculated as follows: one-twelfth**  
55 **of the quotient obtained by dividing seventy-five percent of the annual** ~~[growth]~~ **change in the**  
56 **amount** of funds in the blind pension fund for the preceding fiscal year by the **projected** number  
57 of persons eligible to receive the monthly pension provided in subsection 1 of this section.

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