

SECOND REGULAR SESSION

# SENATE BILL NO. 910

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 16, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5692S.02I

## 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.

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Section A. Sections 209.030 and 209.040, RSMo, are repealed and two new  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

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

11 **(1)** Owns property or has an interest in property to the value of twenty  
12 thousand dollars or more, or if married and actually living with husband or wife,  
13 if the value of his or her interest in property, together with that of such husband  
14 or wife, exceeds said amount; provided, **[further,]** that in determining the total  
15 value of property owned, the real estate occupied by the blind person or spouse  
16 as the home, shall be excluded; **[or who]**

17 **(2)** **Obtains, maintains, or renews a valid driver's license in this**  
18 **or any other state or territory, unless such license has been**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 **relinquished to the department of revenue and the person provides**  
20 **satisfactory proof of such relinquishment to the department of social**  
21 **services;**

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

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

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

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

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

50 **(8) Pleads guilty or has been found to have violated section**  
51 **209.140.**

52 **2. Any applicant for or any recipient of a blind pension who does**  
53 **not submit, without good cause or as otherwise specified by the**  
54 **department of social services, to a vision test as required under section**

55 **209.040** within thirty days of a request by the department shall not be  
56 eligible for a blind pension and the department shall terminate  
57 payment after notice and an opportunity for a hearing.

58 **3. The applicant for or recipient of a blind pension shall inform**  
59 **the department of any change of address or other contact information**  
60 **and any other change of circumstances that may impact the applicant**  
61 **or recipient's eligibility for a blind pension within ten days of the**  
62 **change. Any notice served on the applicant or recipient delivered by**  
63 **the United States Postal Service at the applicant's or recipient's**  
64 **address of record shall be deemed service for all purposes under**  
65 **sections 209.010 to 209.160.**

209.040. 1. No person shall be entitled to a **blind** pension under sections  
2 209.010 to 209.160 who [does not have vision with or without properly adjusted  
3 glasses, up to but not including] **is not blind as defined in this section. A**  
4 **person is "blind" for purposes of qualifying for a blind pension under**  
5 **this section if his or her vision cannot be corrected to better than five**  
6 **two-hundredths, in the better eye, or [whose best] if his or her visual field is**  
7 **less than or equal to five degrees as tested with five millimeter target on**  
8 **perimeter in the better eye, for a period that lasted or is expected to last**  
9 **at least twelve months.** No person shall be entitled to receive a pension except  
10 upon a scientific vision test **as determined by the department of social**  
11 **services and** supported by a certificate of an ophthalmologist, a physician  
12 skilled in disease of the eye, or an optometrist, designated or approved by the  
13 department of social services to make such examination.

14 **2. In order** to continue to be eligible to receive a pension under the  
15 provisions of this section, a person shall present to the department of social  
16 services every fifth year after the initial vision test, **or sooner at the request**  
17 **of the department if the department has reason to believe the person**  
18 **is not eligible for a blind pension,** a new certificate of an ophthalmologist,  
19 a physician skilled in disease of the eye, or an optometrist, designated or  
20 approved by the department to make a scientific vision test that such person  
21 continues to meet the requirements of this section. **The ophthalmologist,**  
22 **physician, or optometrist who conducted the vision test may indicate**  
23 **that a reexamination should be performed in less than five years if the**  
24 **person's vision may reasonably be expected to improve within five**  
25 **years.** Persons who have been deemed by an ophthalmologist, a physician skilled

26 in disease of the eye, or an optometrist to have no usable vision **in the better**  
27 **eye** shall be exempt from the five-year reexamination requirement of this  
28 subsection, **but shall not be exempt from reexamination at the request of**  
29 **the department if the department has reasonable cause to believe that**  
30 **the person may not be blind.**

31 **3.** Every person [passing the vision test and having the other  
32 qualifications provided in] **who is eligible for a blind pension under** sections  
33 209.010 to 209.160 shall be entitled to receive a monthly pension in an amount  
34 established by appropriations made by the general assembly for that purpose but  
35 not less than three hundred forty dollars; except that pensions to the blind as  
36 provided herein shall not be payable to a blind person unless such person has  
37 been declared ineligible to receive aid under the federal supplemental security  
38 income program, nor shall pensions to the blind as provided herein be payable to  
39 any person who is receiving general relief assistance.

40 **[2.] 4.** If the funds at the disposal of or which may be obtained by the  
41 department of social services for the payment of benefits under this section shall  
42 at any time become insufficient to pay the full amount of benefits to each person  
43 entitled thereto, the amount of benefits of each one of such persons shall be  
44 reduced pro rata in proportion to such deficiency in the total amount available or  
45 to become available for such purpose.

46 **[3.] 5.** Medical assistance for blind recipients eligible for such assistance  
47 under the provisions of sections 208.151 to 208.158 shall be payable as provided  
48 in sections 208.151 to 208.158 without regard to any durational residence  
49 requirement for eligibility out of funds designated for such medical assistance and  
50 not from the blind pension fund.

51 **[4.] 6.** The monthly pension provided in subsection 1 of this section shall  
52 be [increased] **set** by the general assembly **annually and may be adjusted** by  
53 **[an] a supplemental** appropriation bill [by a monthly pension amount which  
54 equals]. **The department of social services shall submit to the general**  
55 **assembly a projected estimate of the monthly pension payment for each**  
56 **upcoming fiscal year with the department's proposed budget request**  
57 **for each upcoming fiscal year. The estimate may consider projected**  
58 **revenues from the tax levied under section 209.130, the projected**  
59 **balance in the blind pension fund, projected cash flow estimates to the**  
60 **blind pension fund, and estimates of the number of persons eligible to**  
61 **receive blind pension payments in each upcoming fiscal year. The**

62 **department may consult with the state treasurer, the department of**  
63 **revenue, and other sources in estimating projected revenues under this**  
64 **subsection. The estimated change in the monthly pension payment for**  
65 **each upcoming fiscal year shall be calculated as follows:** one-twelfth of  
66 the quotient obtained by dividing seventy-five percent of the annual [growth]  
67 **change in the amount** of funds in the blind pension fund for the preceding  
68 fiscal year by the **projected** number of persons eligible to receive the monthly  
69 pension provided in subsection 1 of this section.

✓  
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