

Veterans, Military, and Security

N-1 Cybersecurity

A number of provisions related to cybersecurity have been considered in the Legislature in recent years, while several other states introduced and enacted cybersecurity measures of their own. An overview of these activities follows.

Recent Legislation

House Sub. for SB 56 (2018 Law)

House Sub. for SB 56 (2018) created the Kansas Cybersecurity Act (Act). The legislation established the position of Chief Information Security Officer (CISO) and the Kansas Information Security Office (KISO) within the Office of Information Technology Services (OITS) to administer the Act and perform various functions related to cybersecurity of executive branch agencies. The definition of “executive branch agency” excludes elected office agencies, the Kansas Public Employees Retirement System, Regents institutions, the Kansas Board of Regents, or the Adjutant General’s Department. Executive branch agency heads are solely responsible for security of all data and information technology resources under its purview through various measures and procedures. Executive branch agencies have the discretion to pay for cybersecurity services from existing budgets, from grants or other revenues, or through special assessments to offset costs. Any increase in fees or charges due to the Act, including cybersecurity fees charged by the KISO, are to be fixed by rules and regulations adopted by the agency and can only be used for cybersecurity.

Sub. for HB 2331 (2017)

Sub. for HB 2331 (2017) would have enacted the Representative Jim Morrison Cybersecurity Act. The bill was based on the previous year’s HB 2509 in that it would have created the KISO and established the position of CISO in statute. The bill would have also established the Kansas Information Technology Enterprise (KITE), which would have consolidated functions of OITS and transfer current OITS employees and officers to KITE.

The House Committee on Government, Technology, and Security introduced HB 2331 during the 2017 Legislative Session. The House Committee recommended a substitute bill be passed that would have included various amendments to the original contents

of 2017 HB 2331, as well as an amended version of 2017 HB 2359 (relating to the creation of KITE). After passing the House Committee of the Whole, the bill was referred to the Senate Committee on Ways and Means. The Senate Committee heard testimony on the bill but failed to take any further action during the 2017 Legislative Session.

HB 2509 (2016)

The House Committee on Vision 2020 introduced 2016 HB 2509, which would have given the Executive Branch chief information technology officer (CITO) authority to approve all information technology expenditures, established KISO within OITS, and designated a CISO within OITS. The bill passed out of committee and the House Committee of the Whole, but the Senate Committee on Commerce removed the contents of the bill and inserted provisions related to economic development programs.

Executive Branch Action

Executive Order 11-46

Governor Brownback issued Executive Order (EO) No. 46 on November 7, 2011. The EO directed all non-Regents executive branch agency information technology (IT) directors and all staff performing IT functions in all executive branch state agencies, departments, or other entities under the Governor’s jurisdiction to report directly to the executive CITO. The CITO would be directed and charged, in addition to the duties set forth in KSA 2018 Supp. 75-7205, to manage and order executive branch IT systems in a uniform, efficient, service-oriented, and cost-effective manner.

Cybersecurity Funding

The Governor recommended funding for cybersecurity in FY 2018 and FY 2019, as follows.

	FY 2018	FY 2019
State General Fund	\$1,877,493	\$3,754,985
All Other Funds	\$1,522,507	\$3,045,015
All Funds	\$3,400,000	\$6,800,000
FTE Positions	17	26

The 2017 Legislature approved cybersecurity funding at a lower level than the Governor’s recommendation, and for FY 2018 only.

	FY 2018
State General Fund	\$938,747
All Other Funds	\$1,522,507
All Funds	\$2,461,254
FTE Positions	17

The 2018 Legislature rejected the Governor’s recommended \$2.7 million appropriation for cybersecurity in FY 2019 and instead allocated those funds to IT modernization for FY 2019. OITS remains authorized to charge agencies a fee for cybersecurity-related services.

State Legislation

In 2018, 36 states, the District of Columbia, and Puerto Rico considered more than 265 bills or resolutions related to cybersecurity, while 14 states have enacted 31 bills related to cybersecurity. Categories of cybersecurity legislation include:

- Improving government security practices;
- Providing funding for cybersecurity programs and initiatives;
- Restricting public disclosure of sensitive security information; and
- Promoting workforce, training, and economic development.

For more information on other states, see <http://www.ncsl.org/research/telecommunications-and-information-technology/cybersecurity-legislation-2018.aspx>.

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N-2 Veterans and Military Personnel Benefits

Most benefits for military personnel and veterans are offered by the federal government. However, states can offer additional benefits and resources to veterans and military families. Kansas has established agencies to assist veterans and military family members in filing claims for federal benefits and offers other benefits for veterans and military families in Kansas, and provides information on resources where more detailed information can be found.

2018 Legislation

Kansas regularly passes legislation to address veterans' needs. Legislation passed in 2018 made significant changes to the Kansas National Guard Educational Assistance Act, established a process for Native American military veterans to receive an income tax refund for money improperly withheld from their federal pay, and created four new specific military operation license plates. More information about the current benefits and protections available for Kansas veterans, servicemembers, and military families is included below.

Benefits Assistance

Kansas Commission on Veterans' Affairs Office (KCVAO). The KCVAO provides Kansas veterans and their families with information and assistance by coordinating programs and services to help them improve their quality of life. The KCVAO's available services range from helping veterans file claims for medical, educational, or other benefits to helping veterans obtain earned medals and military awards. KCVAO veterans services representatives are available, free of charge, to assist veterans and family members.

Veterans' Claims Assistance Program (VCAP). The purpose of the VCAP is to improve the coordination of veterans' benefits counseling in Kansas, ensure efficient use of taxpayer dollars, and serve veterans with the necessary counseling and assistance. The VCAP, through its advisory board, also advises the Director of the KCVAO on all veterans' services, including the VCAP. The VCAP Advisory Board also makes recommendations to the Director of the KCVAO regarding match funding levels for veterans' service organizations.

State of Kansas Veterans' Benefits

Education

Residency. Veterans, their spouses, and their children are considered residents by community colleges and Kansas Board of Regents (KBOR) institutions. When such a person is using federal educational benefits to attend college, resides in or is assigned to a permanent duty station in Kansas, or previously established residence in Kansas prior to service and lives in Kansas at the time of enrollment, the person will be charged in-state tuition and fees regardless of length of residency.

Scholarships

Kansas offers scholarships for veterans, active duty military personnel, and Kansas National Guard members. In some cases, spouses and dependents of veterans also are eligible for scholarship consideration.

The Kansas Military Service Scholarship covers tuition and fees for certain active duty servicemembers and honorably discharged (or generally discharged under honorable conditions) veterans who deployed or received hostile fire pay for at least 90 days after September 11, 2001. The 90-day requirement may be waived if the servicemember was injured during such military service.

The Kansas National Guard Educational Assistance Program was changed significantly by 2018 HB 2541. The program now provides tuition and fees assistance for enlisted personnel in the Kansas Air or Army National Guard who are not under a suspension of favorable action flag, currently on the unit unfavorable information file, have a high school diploma or GED, and have not already obtained a bachelor's or higher academic degree. The assistance is in an amount not to exceed 15 credit hours a semester with an aggregate total not to exceed 150 percent of the total credit hours required to complete their educational program. The availability of this tuition assistance is subject to appropriations for the program. Kansas also offers free tuition

and fees to dependents and unmarried widows and widowers of servicemembers killed in action while serving on or after September 11, 2001; dependents of those who are prisoners of war or missing in action; and dependents of those who died as a result of service-connected disabilities suffered during the Vietnam conflict. Obligations to the State for taking certain types of state scholarships can be postponed for military service.

Kansas also offers ROTC scholarships at KBOR institutions, Washburn University, and community colleges for students interested in becoming commissioned officers in the armed forces.

More information about educational resources available to veterans and military families can be found at:

- http://myarmybenefits.us.army.mil/Home/Benefit_Library/State_Territory_Benefits/Kansas.html; and
- <http://www.kansasregents.org/students/military>.

Military Interstate Children's Compact Commission. Kansas has been a member of the Military Interstate Children's Compact Commission since 2008. The Compact addresses educational transition issues military families face when relocating to new duty stations. The Compact assists military families with enrollment, placement, attendance, eligibility, and graduation.

Active duty servicemembers' children, National Guard and Reserve servicemembers on active duty orders, and servicemembers or veterans who are medically discharged or retired for one year are eligible for assistance under the Compact.

More information and points of contact are available at <http://mic3.net/Kansas.html>.

Emergency Financial Assistance

The Adjutant General may extend grants and interest-free loans to Kansas National Guard servicemembers, members of the reserve forces, and their families to assist with financial

emergencies. Individuals may contribute to the Military Emergency Relief Fund by checking the designated block on their individual income tax return forms.

Employment

Veterans' preference. The veterans' preference applies to initial employment and first promotion with state government and with counties and cities in "civil service" positions. Veterans are to be preferred if "competent," which is defined to mean "likely to successfully meet the performance standards of the position based on what a reasonable person knowledgeable in the operation of the position would conclude from all information available at the time the decision is made."

Veterans' preference applies to veterans who have been honorably discharged from the armed forces. The veterans' preference will also extend to spouses of veterans who have 100 percent service-connected disability, surviving spouses (who have not remarried) of veterans killed in action or died as result of injuries while serving, or the spouses of prisoners of war. Veterans' preference does not apply to certain types of jobs, such as elected positions, city or county at-will positions, positions that require licensure as a physician, and positions that require the employee to be admitted to practice law in Kansas.

The hiring authority is required to take certain actions, including noting in job notices that the hiring authority is subject to veterans' preference, explaining how the preference works, and explaining how veterans may take advantage of the preference.

For more information regarding veterans' preference, visit <https://admin.ks.gov/services/state-employment-center/veterans>.

Private veterans' preference. Private employers may establish a veterans' hiring preference in Kansas. The veterans' preference must be in writing and must be consistently applied. Veterans are required to provide the employer with proof of military service and discharge under honorable conditions.

Pensions and life insurance. State pension participants away from state jobs for military service may be granted up to five years of state service credit for their military service. An employee may buy up to six years of service credit that is not granted, and purchased service need not be preceded or followed by state employment.

Additionally, an absence for extended military service is not considered termination of employment unless the member withdraws accumulated contributions.

Basic life insurance, worth 150 percent of annual salary, continues while the employee is on active duty. An employee may continue to have optional life insurance by paying the premiums for 16 months; after such time, the policy may be converted to an individual policy.

Position reinstatement. An officer or employee of the state or any political subdivision does not forfeit that position when entering military service; instead, the job has a "temporary vacancy," and the original jobholder is to be reinstated upon return. Anyone called or ordered to active duty by this state, or any other states' reserve compartment, and who gives notice to his or her public or private employer and reports back to that employer within 72 hours of discharge is to be reinstated to the former position (unless it was a temporary position). A state employee who returns to classified service within 90 days after an honorable discharge is to be returned to the same job or another job comparable in status and pay in the same geographic location. A state employee's appointing authority may grant one or more pay step increases upon return.

Professional licenses—credit for military education and training. Statutes direct state agencies issuing professional licenses to accept from an applicant the education, training, or service completed in the military. The education, training, or service must be equal to the existing educational requirements established by the agency. The license may be granted even if the servicemember was discharged under less than honorable conditions.

While this rule generally does not apply to the Board of Nursing, the Board of Emergency Medical Services, or the practice of law, there are special provisions for nurses and emergency medical technicians. Statutes authorize the Board of Nursing to waive the requirement that an applicant graduate from an approved school of practical or professional nursing if the applicant passed the National Council Licensure Examination for Practical Nurses, has evidence of practical nursing experience within the U.S. military, and was separated from service with an honorable discharge or under honorable conditions.

Statute also mandates the granting of an attendant's certificate to an applicant who holds a current and active certification with the National Registry of Emergency Medical Technicians (NREMT) and who completed emergency medical technician training as a member of the U.S. military. For these provisions to apply, the applicant must have received an honorable discharge or have been separated under honorable conditions. Additionally, Kansas has enacted the Interstate Compact for Recognition of Emergency Medical Personnel Licensure allowing Kansas to consider active and former servicemembers, in addition to their spouses, who hold a current valid and unrestricted NREMT certification, as having the minimum training and examination requirements for EMT licensure.

Kansas also allows a person to receive a license to practice barbering if they have been certified in a related industry by any branch of the U.S. military and completed a course of study in a licensed Kansas barber college or school.

Professional licenses—maintaining license while serving. A state license issued to engage in or practice an occupation or profession is valid while the licensee is in military service and for up to six months following release without the licensee paying a renewal fee, submitting a renewal application, or meeting continuing education or other license conditions. (This provision does not apply to licensees who engage in the licensed activity outside of the line of duty while in military service.) No such license may be revoked, suspended, or canceled for failure

to maintain professional liability insurance or failure to pay the surcharge to the Health Care Stabilization Fund.

Expedited professional licenses—military servicemembers' nonresident military spouses. Kansas professional licensing bodies are required to grant professional licenses to nonresident military spouses and servicemembers who hold professional licenses in other states, if the licensees meet certain requirements. These licenses must be issued within 60 days after a complete application is submitted.

Probationary licenses—servicemembers and military spouses. A servicemember or military spouse may have a license on a probationary basis for up to six months when the licensing body does not have licensure, registration, or certification by endorsement, reinstatement, or reciprocity and the servicemember or military spouse meets certain criteria.

Temporary Bar admission for military spouses. Kansas Supreme Court Rule 712A grants applicants temporary admission to the Kansas Bar without a written examination if they are currently married to a military servicemember stationed in Kansas and have been admitted to the practice of law upon a written examination by the highest court of another state or in the District of Columbia.

Military leave for state employees. Benefits-eligible state employees who are members of a reserve component of the military are eligible for 30 working days of military leave with pay for active duty within a 12-month period beginning October 1 and ending on September 30 the following year.

State employee direct payment benefits. Benefits-eligible state employees who are on military leave as activated reserve component uniformed military personnel may be eligible for one-time activation payments of \$1,500.

Additionally, benefits-eligible state employees who are called to full-time military duty and are mobilized and deployed may receive the difference between their military pay, plus most

allowances, and their regular State of Kansas wages, up to \$1,000 per pay period.

Highways and Bridges

The State of Kansas honors veterans by designating portions of highways in their name. The Kansas Department of Transportation provides a Memorial Highways and Bridges Map at <http://www.ksdot.org/maps.asp>.

Housing and Care

Certain veterans, primarily those with disabilities, are eligible for housing and care at the Kansas Soldiers' Home near Fort Dodge and the Kansas Veterans' Home in Winfield. The KCVAO states priority for admission of veterans will be given on the basis of severity of medical care required. For more information, see:

- <https://kcva.ks.gov/veteran-homes/fort-dodge-home>; and
- <https://kcva.ks.gov/veteran-homes/winfield-home>.

Insurance

Personal insurance. No personal insurance shall be subject to cancellation, non-renewal, premium increase, or adverse tier placement for the term of a deployment, based solely on that deployment.

Private health insurance. A Kansas resident with individual health coverage, who is activated for military service and therefore becomes eligible for government-sponsored health insurance, cannot be denied reinstatement to the same individual coverage following honorable discharge.

Judicial Benefits Diversion Considerations

A prosecutor may consider combat service-related injuries when considering whether to enter into a diversion agreement with a defendant. The injuries considered include major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury.

Sentencing Considerations

Judges may consider combat service-related injuries (including major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury) as mitigating factors when sentencing a defendant.

Court-ordered Treatment Considerations

A judge may consider combat service-connected injuries (including major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury) when ordering a defendant to treatment. There is no requirement that a defendant have a discharge under honorable conditions to qualify for court-ordered treatment.

Treatment in this program is an alternative for a defendant who meets the criteria for court-ordered treatment, but cannot receive treatment through a military treatment facility or veterans' treatment facility.

Taxes

Income tax—check-off provisions. Taxpayers may contribute income tax refunds or additional money to the Kansas Military Emergency Relief Fund, to be used to help military families defray costs of necessities while a family member is on active duty or for other services to support military families, and the Kansas Hometown Heroes Fund, to be used solely for veterans services programs of the KCVAO.

Income tax refund—certain veterans. HB 2147 (2018) created a process for certain Native American military veterans to apply for a refund of state personal income taxes improperly withheld from their federal military income between 1977 and 2001 in the amount of income taxes paid plus interest. If the veteran is deceased, the refund may be sought on behalf of their estate by a surviving spouse or any heir-at-law. No refunds will be issued after June 30, 2020.

Property tax—deferral. An active duty servicemember who has orders to deploy, or is currently deployed, outside of the United States

for at least six months may defer payment of taxes on real property for up to two years. A claim for the deferral must be filed with the county clerk.

Property tax—homestead. Certain disabled veterans and surviving spouses who do not remarry are eligible for the Homestead Property Tax Refund Program. Disabled veterans are those Kansas residents who have been honorably discharged from active duty in the armed forces or Kansas National Guard and who have been certified to have a 50 percent or more permanent service-connected disability.

Motor vehicle taxes. Active duty servicemembers who are Kansas residents are not required to pay motor vehicle taxes for their first two vehicles if they maintain vehicles outside of the state and are absent from the state on military orders on the date the registration payment is due.

Vehicle-related Benefits

Driver's license requirements—waiver. The Director of Vehicles and Kansas Department of Revenue may waive the skills test for an applicant for a commercial driver's license, if that applicant provides evidence of certain military commercial vehicle driving experience.

The applicant's military driving experience must meet the requirements of 49 CFR 383.77. The applicant must have military experience operating a vehicle similar to the commercial motor vehicle the applicant expects to operate. The applicant must not have been convicted of any offense (such as driving under the influence of alcohol or a controlled substance) that would disqualify a civilian commercial driver. An applicant will be required to pass the Kansas knowledge test for driving a commercial motor vehicle. Also, some state requirements for written and driving testing may be waived for an applicant for a Class M (motorcycle) driver's license who has completed motorcycle safety training in accordance with U.S. Department of Defense requirements.

“Veteran” designation on driver's licenses and identification cards. A veteran may have “VETERAN” printed on the front of a State-issued driver's license or a non-driver identification card

by showing proof of military service in the form of a DD214 or equivalent form. The veteran must have received an honorable discharge or general discharge under honorable conditions.

The Secretary of Revenue may provide names and addresses from motor vehicle records to the KCVAO for the purpose of assisting the KCVAO in notifying veterans of the facilities, benefits, and services available to veterans in the State of Kansas.

License plates. Kansas has several distinctive license plates available for veterans and family members. In some cases, those license plates may be provided at no cost. HB 2559 (2018) allows for the creation of distinctive license plates for several new specified military operations, including the Korean War, Operation Desert Storm, Operation Iraqi Freedom, and Operation Enduring Freedom. More information on military-related license plates is available at <https://www.ksrevenue.org/dovplates.html>. Additionally, several decals depicting medals or combat ribbons are available to display on certain veterans license plates, and a wheelchair emblem decal may be affixed to a distinctive license plate to indicate the vehicle transports a person with a permanent disability, providing an alternative to the Disabled Veteran distinctive tag.

Vietnam War Era Medallion Program

The Vietnam War Era Medallion Program provides eligible veterans with a medallion, a medal, and a certificate of appreciation. The Medallion Program is open to veterans who served in the United States or in a foreign country, regardless of whether the veteran was under 18 years of age at the time of enlistment.

Eligible veterans are those who served on active duty in the U.S. military between February 28, 1961, and May 7, 1975; are legal residents of Kansas or were legal residents at the time they entered military service, the time they were discharged from military service, or at the time of their death; and were honorably discharged, are still on active duty in an honorable status, or were on active duty at the time of their death.

Voting Opportunities

Overseas military personnel and their family members may vote a full ballot for all elections. The ballots will be mailed 45 days before an election. The military servicemember or family member may submit a ballot to the county election office before polls close by mail, e-mail, or fax. For more information, see <http://www.voteks.org/when-you-vote/how-will-i-vote.html>.

Parking Privileges for Disabled Veterans

Veterans with disabled veterans license plates or wheelchair emblem decals may exercise free parking privileges in spaces reserved for disabled persons in public parking facilities and parking lots that employ parking attendants.

Other Benefits

Anti-discrimination towards military personnel. Kansas law prohibits discrimination on the basis of military status. Alleged violations are a civil matter.

Permits and licensing. Several types of hunting and fishing permits and licensing benefits are available to military personnel and veterans. More information about these benefits is available at:

- <https://ksoutdoors.com/Hunting/Applications-and-Fees>; and
- <http://ksoutdoors.com/Fishing/Fishing-Application-and-Fees>.

Concealed carry licenses. Active duty military personnel and their dependents residing in Kansas may apply for a concealed carry handgun license without a Kansas driver's license or a Kansas non-driver's license identification card.

Upon presenting proof of active duty status and completing other requirements for a concealed carry permit, the servicemember or dependent would be granted a license under the Personal and Family Protection Act and issued a unique license number.

Active duty military personnel stationed outside of Kansas can also apply for a concealed carry

license if they provide evidence of completion of a course offered in another jurisdiction determined by the Attorney General to have training requirements that are equal to or greater than those required in Kansas.

Military burials. Certain veterans and their eligible dependents may be buried in state veterans' cemeteries. Cemeteries are located in Fort Dodge, Fort Riley, WaKeeney, and Winfield.

The final disposition of a military decedent's remains would supersede existing statutory listing of priorities for such remains. The provision applies to all active duty military personnel and gives priority to the U.S. Department of Defense Form 93 in controlling the disposition of the decedent's remains for periods when members of the U.S. Armed Forces, the Reserve, or National Guard are on active duty. A certified copy of an original discharge or other official record of military service may be filed with the Adjutant General, who will provide copies free of charge if they are needed to apply for U.S. Department of Veterans Affairs benefits.

Consumer protection. The Kansas Consumer Protection Act (KCPA) defines members of the military and their immediate family members, as well as veterans and their surviving spouses, as "protected consumers" under the KCPA (KSA 2018 Supp. 50-676, as amended by 2017 SB 201). The KCPA protects consumers from deceptive business practices.

Alternate death gratuity. If federal funding is not available during a federal government shutdown, the Adjutant General will pay a death gratuity of \$100,000 for any eligible Kansas military servicemember. The Adjutant General will secure federal reimbursements after the government reopens.

Additional Benefits Information

The U.S. Army's official benefits website provides a general overview of military and veterans' benefits in Kansas, along with contact information for some state agencies: http://myarmybenefits.us.army.mil/Home/Benefit_Library/State_Territory_Benefits/Kansas.html.

The KBOR website lists scholarships available for military personnel, veterans, and spouses, along with the requirements for each scholarship: <http://www.kansasregents.org/students/military>.

The KCVAO's website includes several resources for veterans and military personnel. The following links cover federal and state benefits, employment resources, and educational resources:

- <http://www.kcva.org>;
- <http://kcva.ks.gov/veteran-services/federal-benefits>;
- <http://kcva.ks.gov/veteran-services/state-benefits>;
- <http://kcva.ks.gov/kanvet>;
- <http://kcva.ks.gov/kanvet/employment-resources>; and
- <https://kcva.ks.gov/kanvet/education-resources>.

The U.S. Department of Veterans Affairs' Kansas website includes links for veterans health administration offices, veterans benefits

administrations offices, and national cemetery administration offices: https://www.va.gov/landing2_locations.htm.

The U.S. Department of Labor's website lists the contact information for the Kansas Director of Veterans' Employment and Training, as well as Kansas employment resources for veterans and federal resources for veterans: <https://www.dol.gov/vets/aboutvets/regionaloffices/chicago.htm#ks>. The Adjutant General's Department's Kansas Military Bill of Rights website lists benefits and services that Kansas provides to veterans and military personnel: <http://kansastag.gov/NGUARD.asp?PageID=346>.

Additional information, including statutory citations when appropriate, is available at <http://www.kslegresearch.org/KLRD-web/VeteransMilitary&Security.html>.

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