

Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

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March 11, 2021

To: Sen. Rob Olson, chair, and members of the Senate Committee on Commerce

From: Emily Bradbury, executive director, Kansas Press Association

Re: Testimony in opposition to House Bill 2112

Sen. Olson and members of the Committee:

I am Emily Bradbury, executive director of the Kansas Press Association, which represents approximately 200 daily and non-daily newspapers across the state.

Thank you for the opportunity to present testimony today in opposition to House Bill 2112. Simply, what you're being asked by self-storage unit owners to do is save them a few dollars at the cost of transparency.

It might surprise you to learn that public notice in newspapers came about as a result of the courts giving up jurisdiction years ago. The reason: the cost of litigation often was higher than the value of what the units held in storage. States turned to public notice in newspapers of general circulation as the way to alert the public of an upcoming sale of property.

This bill would give storage owners a choice between placing public notices in newspapers of general circulation OR in any other "commercially reasonable manner," which is not defined.

So what does any other "commercially reasonable manner" mean? We know what it means: notice will be switched to the web. Consider how many websites you actually visit in a day, and then how many you never visit. There are literally tens of millions of websites. What do you think the chance is that a notification on the storage unit's website, or Facebook page, will truly inform the public?

We realize that public notices include a cost, but the self-storage unit owner is allowed to recoup the expense of the notice from the proceeds of the lien sale.

So what does an average storage unit notice in a local community newspaper cost? We have aggregated the numbers from a sample of our newspaper members and the cost is miniscule, often not much more than about \$40, depending on the number of words, of course.

In fact, a recent public notice in the Topeka Capital-Journal is illustrative of how these sales are often conducted. The notice included nine different self-storage units in one ad that cost about \$180, so the cost per unit was only \$20. That's a small price to pay when the end result will be the sale of someone's property.

Why is it better to include these notices in a newspaper?

- It acts in place of a judge to keep seizures and auctions from happening in private.

- It provides one more notification to the owner of the contents, especially if notice by mail or email have failed.
- Relatives, friends and loved ones may read a newspaper public notice concerning an overseas or otherwise indisposed renter and step into his or her shoes to pay the bill and prevent the sale.
- It also serves to protect the self-storage unit owner, who needs to have citizens in his or her community know he can be trusted to do the right thing.

It makes far more sense to leave the statute as it is and require publication in a newspaper. If a storage unit owner wants to also choose another "commercially reasonable manner" to get the word out to even more people, nothing keeps the owner from doing that under existing language. Many of them supplement the newspaper notice with social media posts now.

Based on the 2021 Kansas Press Association Readership Study conducted by Coda Ventures, an independent research and consulting firm, showed that 8 out of 10 Kansas adults read and access news and information from a local print or digital version of a newspaper. Seventy-six percent of Kansans look to their local newspaper for public notices and overwhelmingly want to view public notices in their local newspapers, where they are easy to find rather than having to continually scan dozens of websites for the notices.

My association strongly opposes this bill and ask you to reject it. Thank you.

Emily Bradbury, Executive Director

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