

# THE HOLTON RECORDER

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March 11, 2020

To: Sen. Julia Lynn, chair, and members of the Senate Committee on Commerce

From: David Powls/Holton Recorder newspaper owner

Re: Testimony in opposition to HB 2454

HB 2454, if passed, will create more problems, headaches and expenses for the self-storage unit industry, than proponents may have imagined.

The good part about existing public notice law regarding the self-storage unit industry, is that it works well for all, is fair, requires very little cost, and is unchallenged in the court system.

The bill seeks to give self-storage owners a choice between placing public notices in newspapers of general circulation, where their effectiveness is unchallenged in the court system and the cost is low and regulated by the state, or any other “commercially reasonable manner.”

State law has long required newspapers to keep the cost of its public notices down to the same rate as its lowest classified advertisements. Self-storage owners are not looking for a less-expensive public notice option, in my view, they are looking for a free option.

It is certainly important business for the public to be informed when someone intends to seize someone else’s property for any legitimate reason. When self-storage owners place a public notice in their local newspaper, they can rest assured that the public’s right to know has been satisfied.

The cost to litigate whether a person was given proper public notice before their property was seized by someone else will cost much, much more than a small public notice in the newspaper. Why would any business person want to invite costly litigation? The answer is that is no business owner would knowingly do that. Posting such an important public notice “at who knows where online” is like nailing a hand-written note to a tree in your backyard. It’s there, and you know that you’re probably going to be the only one who’s going to see it, or care to read it, before the wind blows it away. That’s not how public notice is designed to work. Let newspapers continue to do this important work that no other medium is approved by the court system to do.

For a multitude of other good reasons why this bill should not move forward, please refer to the letter from Mr. Doug Anstaett.