

Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

4021 SW 10th St. #351 • Topeka, Kansas 66604 • Phone (785) 271-5304 • www.kspress.com

Jan. 25, 2021

To: Rep. Sean Tarwater, chair, and members of the House Committee on Commerce, Labor and Economic Development

From: Doug Anstaett, consultant and lobbyist, Kansas Press Association

Re: Testimony in opposition to House Bill 2112

Rep. Tarwater and members of the Committee:

I am Doug Anstaett, consultant and lobbyist for the Kansas Press Association, which represents approximately 200 daily and non-daily newspapers across the state.

We are appearing in opposition today to House Bill 2112. Simply, what you're being asked by self-storage unit owners to do is save them a few bucks 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. So, the 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 wants to give storage owners a choice between placing public notices in newspapers of general circulation OR in any other "commercially reasonable manner." What does commercially reasonable 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 cost money — we do charge for advertising, after all — but the 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 and the cost is miniscule, often not much more than about \$40, depending on the number of words, of course.

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 bring the bill current and prevent the sale.

- It 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 him from doing that under existing language. Many of them do, of course, supplement with social media posts.

I have included some supporting slides that show breakdowns of what various notices across our newspapers cost in Kansas. As you can see, these notices aren't expensive, but they serve the purpose they are designed for — to make sure property is not taken from individuals without proper notice.

We oppose this bill and ask you to reject it. Thank you.

Doug Anstaett, Consultant and Lobbyist

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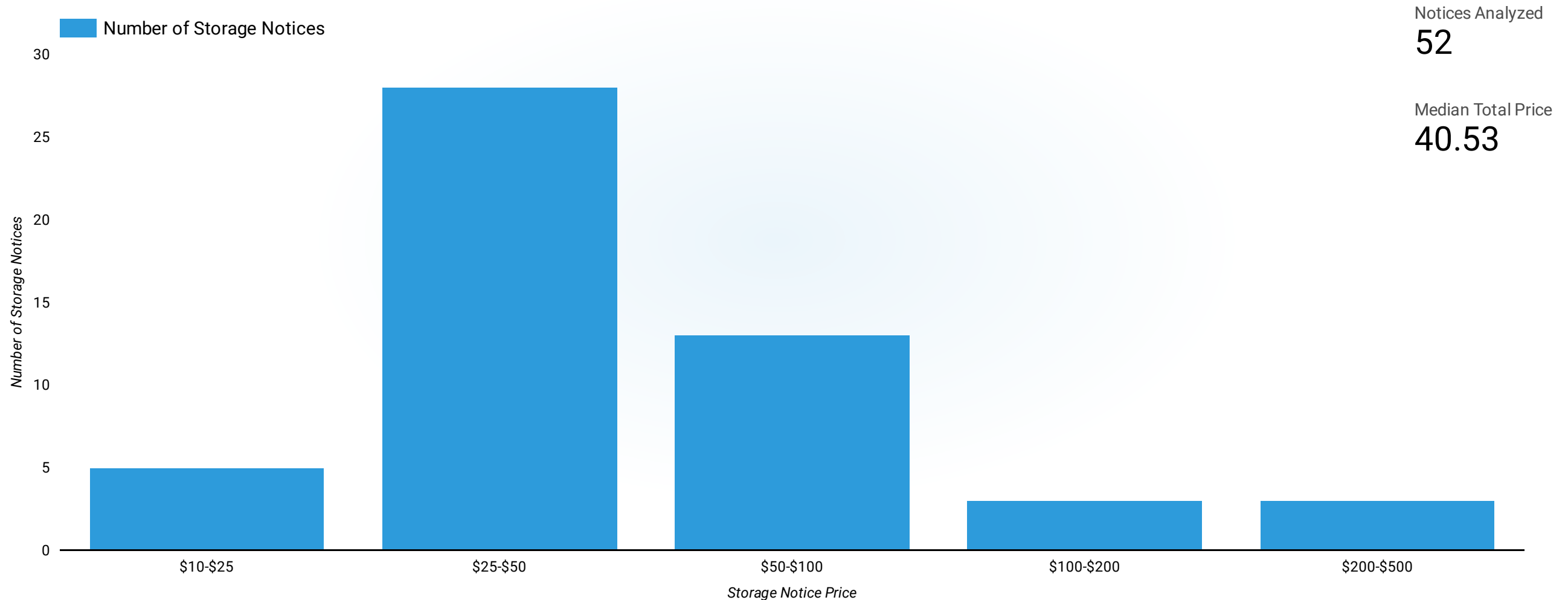
Topeka, KS 66604

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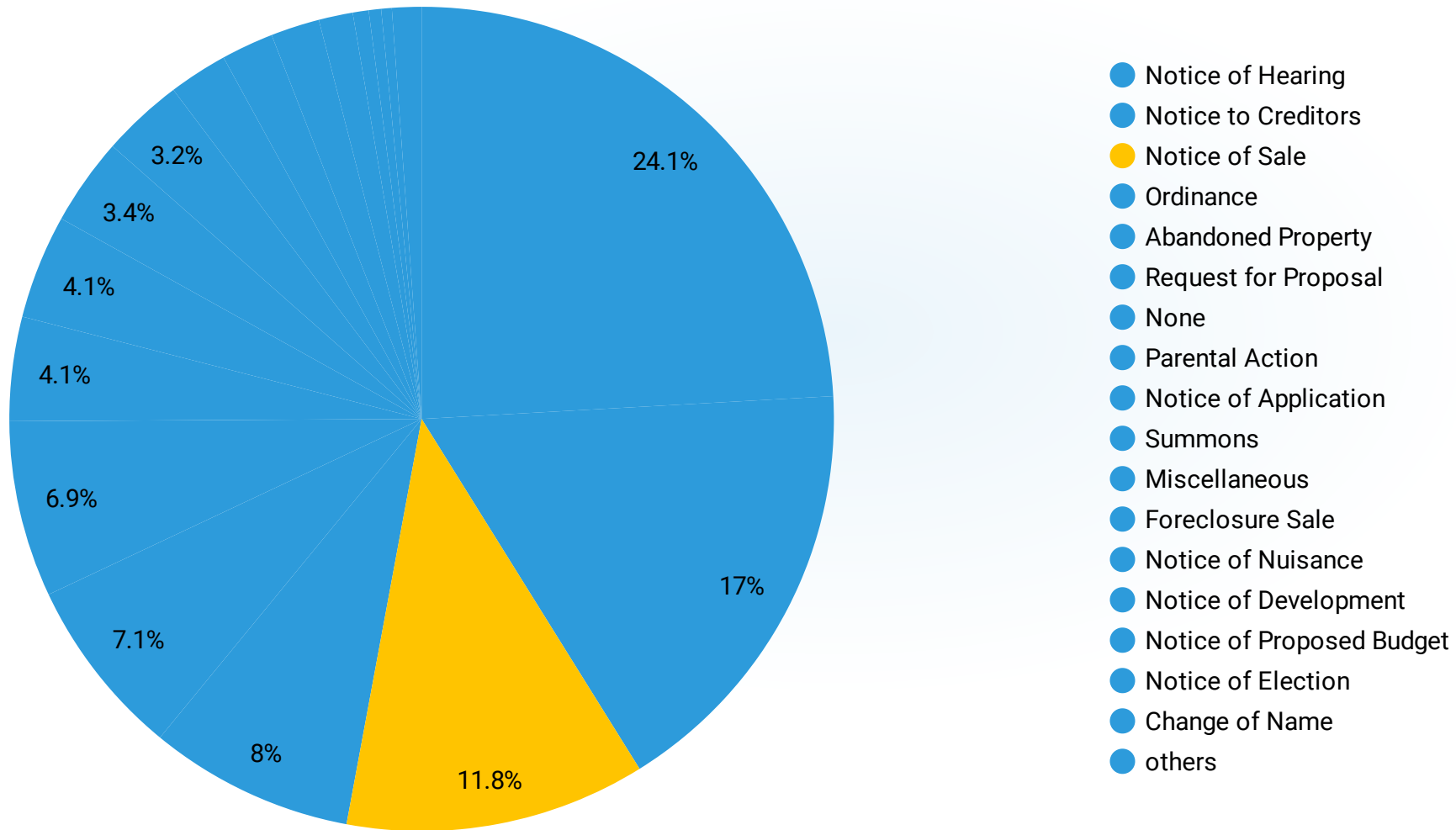
PRICE DISTRIBUTION

The median price of a storage notice in Kansas in 2020 was **\$40.53**, or \$13.51 per run for three runs. This was computed using meta-data from the notices placed through Column's public notice platform.



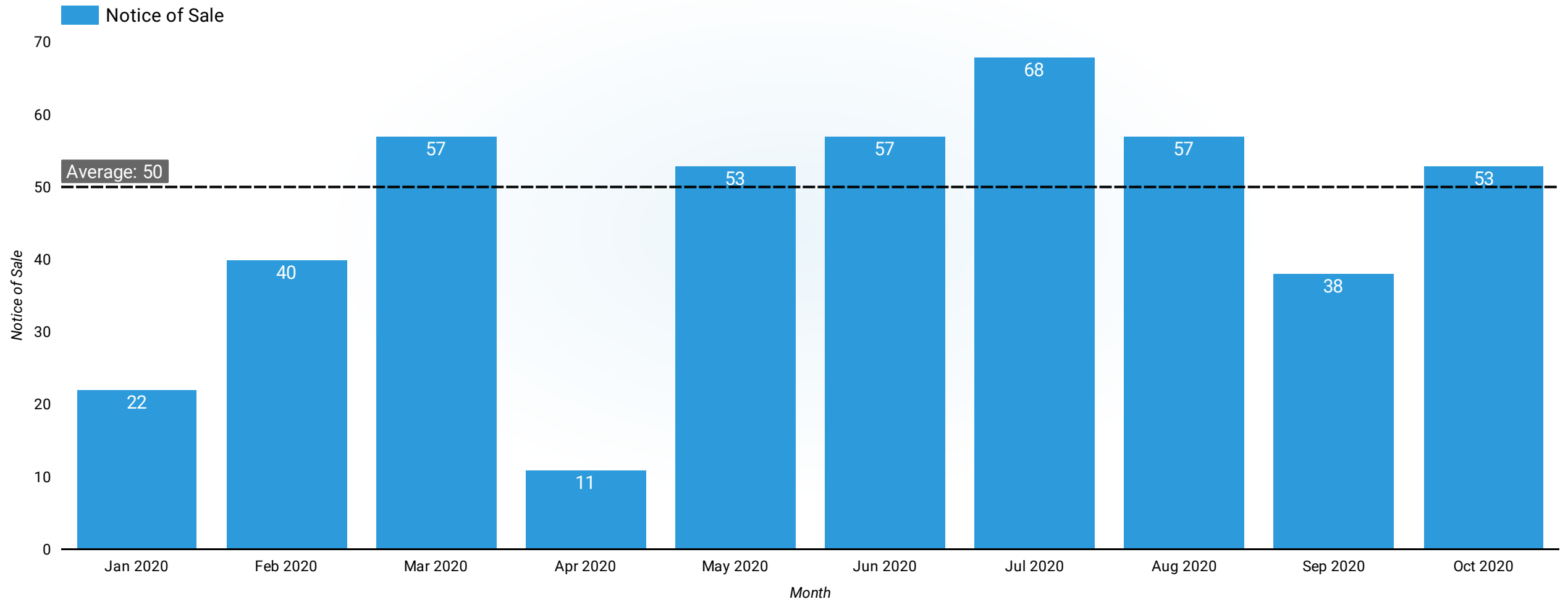
NOTICES BY CATEGORY

Notice of Sale made up approximately 11.8% of public notices in Kansas in 2020. Column's deep learning models automatically sort notices into categories as they are published based on their text.



Notice of Sale in Kansas

In 2020, there were an average of 50 Notices of Sale each month distributed between the 200+ Kansas newspapers uploading to Column.



METHODOLOGY

The Kansas Press Association provides an official state-wide database of all public notices in Kansas. This report was generated using the meta-data from that database.

- Founded in Kansas, Column is a public benefit company that powers the KPAs state-wide database.
- All Kansas Press Association member newspapers routinely upload their public notices to the database.
- Some KPA members also utilize Column's technology to manage their public notice process.
- We filter this data to provide an aggregation of state-wide statistics regarding publication of storage notices.

The screenshot displays the Kansas Press Association search interface. On the left is a search filter panel with the following sections:

- Search:** A search bar containing the text "NOTICE OF SALE".
- Date:** Two date pickers showing "01/01/2020" and "12/31/2020".
- Location:** A dropdown menu labeled "Select county".
- Publication:** A dropdown menu labeled "Select publication".
- Notice Type:** A dropdown menu labeled "Select notice type".
- Buttons:** "Reset" and "Search" buttons.

The main area on the right shows a grid of search results for "NOTICE OF SALE". Each result card includes the publication name, a snippet of the notice text, and the location. The results are as follows:

- MIAMI COUNTY REPUBLIC:** ...170 Legal Notices 170 Legal Notices 170 Legal Notices 175 Notice of Sale (Published in the Miami County Republic We d. 12/16/20, Wed., 12/23/20 and Wed. 1
- THE WICHITA EAGLE:** Extra Space Storage will hold a public a uction at the location indicated: Facility 1: 5010 E 21st N, Wichita, KS 67208, 1/ 8/2020 1:00pm B9, Quashala Crosby; C lothes, Buckets, table, a single couch, 2
- THE EMPORIA GAZETTE:** ...Bell, et al. Defendants. Case No. 202 0-CV-000006 Court Number: Pursuant to K.S.A. Chapter 60 NOTICE OF SALE Under and by virtue of an Order of Sale issued to me by the Clerk of the District
- THE EMPORIA GAZETTE:** ...et al. Defendants. Case No. 2019-CV- 000076 Court Number: Pursuant to K. S.A. Chapter 60 NOTICE OF SALE Under and by virtue of an Order of Sale issue d to me by the Clerk of the District Cou
- THE SEDGWICK COUNTY POST:** ...Defendants, Case No. 20CV1229-CM Court No. 22 Title to Real Estate Involv ed Pursuant to K.S.A. 60 NOTICE OF S ALE Under and by virtue of an Order of Sale issued to me by the Clerk of the Di
- THE SEDGWICK COUNTY POST:** ...Case No. 20CV406CM Court No. 12 T itle to Real Estate Involved Pursuant to K.S.A. 60 NOTICE OF SALE Under and by virtue of an Order of Sale issued to me by the Clerk of the District Court of
- THE LEGAL RECORD:** PAGE 18 THE LEGAL RECORD DECEMB ER 29, 2020 JOHNSON COUNTY PUBL IC NOTICES CONTINUED FROM PRECE DING PAGE 4hr. minimum \$100.00/hr \$130.00/hr \$150.00/hr \$90.00/hr \$100.
- THE EMPORIA GAZETTE:** ...No.19CV123 Court No. Title to Real E state Involved Pursuant to K.S.A. 60 N OTICE OF SALE Under and by virtue of an Order of Sale issued to me by the Cl erk of the District Court of Lyon Count
- THE MANHATTAN MERCURY:** ...No.RL-19CV248 Court No. Title to Real Estate Involved Pursuant to K.S.A. 60 NOTICE OF SALE Under and by virtue o f an Order of Sale issued to me by the Clerk of the District Court of Riley Coun
- THE MANHATTAN MERCURY:** NOTICE OF SELF STORAGE SALE Pleas e take notice Red Dot Storage 153- Ma nhattan located at 2749 Eureka Terrac
- THE LEGAL RECORD:** PAGE 16 THE LEGAL RECORD DECEMB ER 29, 2020 JOHNSON COUNTY PUBL IC NOTICES Elevator Permit- Commerci
- THE SEDGWICK COUNTY POST:** ...Defendants, Case N [Get Alerts](#) ourt No. 22 Title to Real Estate Involved Pursuant to K.S.A. 60 NOTICE OF SALE