

February 14, 2012

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2647 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2647 is respectfully submitted to your committee.

The Self-Service Storage Act allows the operator of a self-service storage facility to sell or otherwise dispose of the property of an occupant who is in default for more than 45 days. Before disposing of the property, the operator must notify the occupant of default by first class mail, send a second notice of default by first class mail, and advertise the time, place, and terms of the sale in the classified section of a local newspaper at least seven days before the sale. HB 2647 would allow the operator to notify the occupant of default by email, rather than first class mail, if an email address has been provided. In addition, the bill would require the operator to include in the advertisement a list of items to be sold and would allow the operator to advertise the sale in any other commercially reasonable manner, rather than a newspaper, as long as it would result in the attendance of at least three independent bidders at the designated time and place advertised. "Independent bidder" is defined in the bill as a bidder who is not related to and has no controlling interest or common interest with the operator or the occupant.

Under the provisions of HB 2647, the operator would not be liable for the disclosure, discovery or dissemination of personal or private information of the occupant resulting from the sale, including health or medical information, criminal record information, consumer credit information, or any other personally identifiable records. The bill would also eliminate the requirement to send notices by restricted mail and the requirement that the notice be sent to the self-storage facility where the occupant's property is stored.

According to the Office of Judicial Administration, passage of HB 2647 would have no fiscal effect on the state budget.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary