

SESSION OF 2012

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2494**

As Agreed to May 19, 2012

**Brief\***

HB 2494 would amend provisions of the Self-Service Storage Act concerning sale of stored property when an occupant is in default. Specifically, prior to sale, the bill would require the operator to notify the occupant of the default by email, if the occupant has provided an email address to the operator, in addition to sending notice by first-class mail at the occupant's last-known address, which is already required. The second notice of default also would be required by email, if the occupant has provided an email address, in addition to notice by first-class mail. The bill also would remove the requirement that the advertisement for the sale list the items released for sale.

**Conference Committee Action**

The Conference Committee added the provisions of HB 2494 to Sub. for SB 307 and, subsequently, agreed to strike the contents of HB 2494 and add the modified text of HB 2647. In discussing HB 2647, the Conference Committee agreed to remove the amendments to the requirements for the advertisement of the sale, including the definition of "independent bidder," and to strike the existing requirement that the items released for sale be listed in the ad.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

## **Background**

HB 2494, as introduced, would amend the statute governing the time within which prosecution for a crime must be commenced.

In the House Committee on Judiciary, a representative of the Kansas Self Storage Owners Association appeared in support of HB 2647. No opponents offered testimony. The Committee amended the bill to:

- Allow advertisement of the sale in any other commercially reasonable manner, but only if no newspaper of general circulation is readily available;
- Remove a provision from the bill as introduced that would have limited the operator's liability for disclosure, discovery, or dissemination of certain personal or private information;
- Restore a provision that notice is deemed delivered when deposited with the U.S. Postal Service, properly addressed, and with prepaid postage; and
- Revise the definition of "independent bidder."

The same proponent appeared before the Senate Committee on Judiciary. The Senate Committee removed the amendment made by the House Committee limiting the use of other means of advertisement to those cases where there is no newspaper of general circulation where the sale is to be held. The Senate Committee recommended the bill be passed as amended.

The fiscal note indicates passage of HB 2647, as introduced, would have no fiscal effect.

Self-Service Storage Act

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