



Testimony in Support of HB 2703  
House Commerce  
Wednesday, February 19, 2020  
Scott Schneider

Mr. Chairman and members of the committee, I am Scott Schneider and I am here on behalf of the Kansas Restaurant & Hospitality Association. We support the passage of HB 2703. We believe the passage of HB 2703 is reasonable and measured because it would make clear that local governments could not participate in the removal of natural gas as an energy source.

Earlier this year, the City of Berkeley banned natural gas infrastructure — effectively banning natural gas use — in newly-constructed buildings. The ban, which violates both state and federal law, will impact both residential and commercial construction, and will have uniquely negative impacts on restaurants. The Kansas Restaurant & Hospitality Association does not want to be in the same situation as the California Restaurant Association when needing to litigate this issue.

It would be difficult to overstate these impacts on a restriction of natural gas, which are numerous. Whether searing steaks, charring vegetables, or stir-frying noodles, chefs and cooks rely on the most important tool in the creation of a dish — fire.

There are also economic impacts. Many restaurants use gas to heat water and space and for other appliances. This ban will raise costs to build and operate restaurants. Restaurant owners may simply choose not to move to or construct new buildings because they will not have access to natural gas.

Thank you for your consideration of HB 2703.



**FOR IMMEDIATE RELEASE**

November 21, 2019

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**California Restaurant Association Files Lawsuit Against City of Berkeley Over  
Natural Gas Ban**

*Complaint contends the recent ban violates state and federal law*

BERKELEY, Calif. – The California Restaurant Association filed a complaint today in US District Court against the City of Berkeley as part of an effort to protect restaurants from a misguided and unlawful ban on the use of natural gas. The CRA filed the lawsuit to protect Berkeley's businesses and consumers from bearing the brunt of higher energy costs, as well as ensure the City's vibrant culinary community is able to continue preparing and serving the food it has become well-known for.

As documented in the attached complaint, the ordinance violates long-established state and federal law, but more importantly, the City's decision will negatively impact restaurants and other energy users – and those impacts are likely to spread beyond the four walls of newly-constructed buildings, the structures where it bans natural gas infrastructure.

Berkeley's rush to become the first electrified city in the state was a drastic step that will have a long list of negative impacts: restaurants and residents in newly-built structures will not have the ability to use gas stoves or heat their homes or businesses using natural gas.

"We believe that the Berkeley ban represents the start of efforts to ban or severely restrict all natural gas use," said President and CEO of the California Restaurant Association, Jot Condie. "It's impossible to overstate how irresponsible this is at a time when millions of Californians find themselves in the dark due to planned power outages. The citizens of California need reliable and affordable energy that allows them to choose what appliances they have in their homes and businesses."

Passed by the Berkeley City Council on July 16, the ordinance is set to take effect on January 1, 2020. Thus, the CRA is seeking injunctive relief, aimed at stopping enforcement of the ordinance, which would otherwise begin in just weeks. The lawsuit contends the natural gas ban is invalid and unenforceable under the federal Energy Policy and Conservation Act and California's Energy Code and Building Standards Code, and that it is an unlawful use of the police power to amend state building codes.

Beyond California's dependence on natural gas as a key energy source, there is an additional, drastic impact unique to restaurants: this ban would effectively prohibit the preparation of flame-seared meats, charred vegetables, or the use of intense heat from a flame under a wok.

"An overwhelming majority of chefs and cooks are trained using natural gas stoves, with pots and pans over a flame produced by natural gas," said Robert W. Phillips, a professional chef and chairman of the Chef De Cuisine Association of California. "This ban will slow down the process of cooking and reduce a chef's control over the amount and intensity of heat which is needed to prepare food appropriately. It's like taking paint away from a painter and asking them to create a masterpiece."

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**California Restaurant Association:** *The California Restaurant Association (CRA) is the largest nonprofit statewide trade association in the nation and is committed to advocating for restaurants on a slate of local, state, and national issues. The CRA keeps California restaurateurs informed about the latest regulations impacting their businesses. California is home to more than 90,000 eating and drinking places that employ 1.6 million workers, making restaurants an indisputable driving force in the state's economy.*