

February 17, 2005

To: Members of the House Business and Labor Committee

RE: HB 588

Like many of you, I was born and raised in Montana. A critical part of my upbringing involved sports. A sporting event is a great community activity, and in a lot of cases, that's where a town really comes together.

Many of us learned a lot about life through sports. We learned the importance of hard work, maintaining focus, setting goals and striving for them, and the need to work as a team. For a few of us from Miles City, we got to see a much more harsh side of life through sports, as we witnessed the death of our friend and teammate, Brandon Patch. While that experience certainly brought the community of Miles City together, it was an event that we'll all agree doesn't need to be repeated in any community in Montana.

A lot of folks will struggle with this bill. Frankly I find that fact sad and a bit confusing. This certainly isn't a partisan bill, but I know many people will have trouble believing that this bill is nothing more than an attempt to fix a freak accident that has already happened. We can't go back. No one knows that better than those closest to this tragedy.

However, we need to look forward with an open mind, and I'd ask that everyone be open to a fresh approach to this discussion today. I'll do my best to address some concerns that may be out there, and hopefully we'll all agree at the end of the day that a simple solution that makes the game safer is in the best interest of everyone.

As you know, this bill mandates the use of wooden bats in competitive baseball for mature players. The reason for this is simple: safety. Anyone who takes an honest look at the difference between wood and metal bats will arrive at the same conclusion: metal bats can hit the ball harder. It's that reason exactly that professional baseball won't allow the use of metal bats – they simply hit the ball too hard.

The same size and weight bat will swing faster and the metals used can have a "trampoline effect" on the ball and send it back towards the pitcher or infielders at a much quicker pace than the ball was thrown. Compared to a wood bat, infielders and pitchers see a significantly reduced reaction time.

Now, a lot of folks have asked me as I've discussed this with friends and ballplayers around the state, "isn't it a fact that people just get hurt? Reaction times vary from player to player."

This statement is absolutely true, reaction times can vary greatly from player to player. However, when a metal bat returns the ball at such an incredible rate, not even the quickest reaction allows for the player to defend themselves.

In response to this, many in the aluminum bat industry responded with BESR tests. These tests are designed to prove that so-called 'deadened' aluminum bats won't return the ball any faster than a wood bat. There are a few things you should know that reflect the inaccuracy of this data.

First, the simple structure of wood bats versus aluminum bats is markedly different. In a wood bat, the weight is evenly distributed throughout the bat, allowing for a certain swing speed. However, in an aluminum bat, the weight is all in the handle, making it much easier to get the lighter end of the bat around in a swing. This means that swing speeds will be substantially increased with an aluminum bat, even if the "trampoline effect" is mitigated by a deadened bat.

Another major issue that opponents to this bring up is the cost issue – they say that wood bats break and that aluminum bats are much cheaper in the long run. The best evidence that this claim is false is the Miles City Mavericks Baseball Team, which in 2004 played exclusively with wood bats for the entire season at no additional cost to the team.

\*\*\*\* Price issues go here. \*\*\*\* (look up Bishop article in the gazette).

Now, as a player and a fan of baseball, I shared a concern that I'm sure a lot of you worry about: what will happen to the game of baseball if we use wooden bats? Will games be as exciting? Will there be fewer home runs, less attendance, less community support? Will programs struggle for financial support from boosters and not draw the sponsors which they are accustomed to having? Will players using wooden bats be at a disadvantage compared to those ballplayers in surrounding states that use metal bats?

The simple truth is that wooden bats will have no substantial affect of the game. Games will likely have fewer home runs, but on the whole, fan support will not diminish – most folks don't go to a legion ball game to watch a home run derby. In fact, some have argued that a return to wood bats exclusively would mean a return to baseball's intended glory – where a game was more than a slugfest and involved many intricate aspects of base running and hitting choices to manufacture runs. Sponsors will remain sponsors because they support kids in their community. Parents and family will still attend games to cheer on their kids. Baseball will still be an exciting game to watch and play, and it will be safer for the kids that are playing it.

I think it's important to keep in perspective what we're asking for here. We're not trying to turn Montana into a nanny state where you have to ask permission from the government to walk across the street. We're not asking that baseball players throw on rubber suits or full pads to go onto the field. We're simply asking that Montana recognize what's been recognized in states like Massachusetts and Florida: Aluminum bats make baseball unsafe.

For some, this may be a conflict about personal freedom: why should the state regulate this? Why can't it simply be left to the American Legion to decide. There are several reasons.

First, the American Legion isn't the only baseball association in Montana with kids between 15 and 19 years of age that uses aluminum bats. Many cities including Helena foster a Senior Babe Ruth program that's not affiliated with the American Legion. It's important that we protect all kids and this bill does that.

Second, there are many examples of the state stepping in for the sake of safety and not waiting for the governing body to take action on their own, even if it's in their best interest. The best example of this is laws governing employees. It's in the best interest of a company to safeguard the health and safety of their workers. Yet, not every company is on the cutting edge. Not every company puts that as their highest priority, so we see regulations that protect workers, especially minors from using dangerous equipment or working long hours.

This situation is not dissimilar. It is in the Montana American Legion's best interest to adopt this policy on their own. They have not, even though the American Legion in Florida has. In some situations, the state must lead and step in, especially when the safety of kids is at stake. This is one of those times.

In truth, outlawing the use of aluminum bats is the most straightforward and effective solution to this problem. No one can say that another Montana kid will die if this bill doesn't pass. However, not passing it makes that more likely. We can say without a doubt that there will be more injuries and that those injuries will be more serious. 10 Americans have been killed since 1992 in incidents involving aluminum bats. Must we wait for 20 or 50 or 100 before we take action?

As a lifelong friend, as a teammate who witnessed the event, as a family friend who witnessed the aftermath – it's hard not to take this bill and this discussion personally. It's personal for all of us who had the blessing of knowing Brandon and watching his life be cut short. Please consider this bill on the honest merits. Look closely at the science behind this. If you do, you'll reach the same conclusion I have: Aluminum bats are simply too dangerous for competitive baseball in Montana.

You folks have a unique opportunity to prevent this from occurring with another family. I urge you to pass this bill through committee and hear it on the floor of the house. Share this with your caucus members and the people of Montana and push for it's approval. As children we are taught that sports are supposed to be fun. Take it from me, every ounce of fun is taken away when a friend dies.

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