

Exhibit Number: 2

The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned.

A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 3.21.05

FILE NO. HJ 19





25th Annual-Newhouse Wood Bat Baseball Tournament
P. O. Box 1164 - Miles City, MT 59301-1164
(406) 232-3788 or (800) 761-3788 Fax (406) 232-1624
JAMES R. REGAN e-mail: reganph@midrivers.com

I am writing this letter in support of House Bill 588 and HJ 19. My experience on the issue of wood bats vs. non wood bats comes from many years as a baseball coach in Montana. At Miles Community College we spearheaded the effort to change to wood bats in the MonDak Conference soon after the Brandon Patch tragedy.

I feel that the change has been beneficial in many ways to our baseball program and to baseball in Montana in general. From a budget standpoint we spend far less from year to year on wood/composite bats than we did on non-wood bats. The best technology now costs in the neighborhood and sometimes exceeding \$300 per bat. I currently purchase 6 bats for \$720 from the Baumbat Company which are very durable and perform exactly like a "real" wood bat. Many other companies make very durable composite-wood bats for under \$100. The current technology in non-wood bats is so performance based that we experience much more breakage and damage to the thin-walled alloy bats than we ever have with the Baumbats. The 90 day warranty is evidence of that fact. The non-wood bats are replaced annually by most players simply because they don't perform as the newest models and they are not durable. The days of the early 1980's when bats were used for several years are gone.

From an observers standpoint I watch approximately 100 Montana legion games each summer. Last year I made notes of how many bats each team had that I observed and which models they were using. The average number of bats in each teams dugout was eight! The models were never more than 2 years old and the high majority of bats actually used in games were the "latest and greatest" \$300 models. Each player usually had their own personalized bat. In the Montana "AA" state tournament last year in Kalispell each of the teams represented had an average of 10 different bats used per game. Again, the newest models were the most popular as they perform better.

The most interesting thing that I have observed over the past several summers is that most of the tournaments are already being billed as "wood bat" tournaments. It is very popular to play with wood and the players thoroughly enjoy it. The idea that the legion teams would spend more money with wood bats is not accurate. Most of them already participate in several wood bat tournaments by choice and buy the bats anyway.

In closing I have visited with coaches and people that have differing viewpoints on this issue. The one question I always ask is what reason can you use to justify the use of alloy bats? I have yet to here an answer that even approaches satisfactory. The safety advantages are obvious to anyone in the business and the cost issue is not an issue. Alloy bats are simply more expensive than the current wood/composite bats are! I would

welcome the opportunity to answer any questions regarding this issue . I can be reached at work during the day at 406-874-6169.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Rob Bishop', written in a cursive style.

Rob Bishop
Miles Community College

College Programs and Leagues that currently use wood bats

Scenic West Athletic Conference: Salt Lake Community College
College of Eastern Utah
College of Southern Idaho
Community College of Southern Nevada
Dixie College
Colorado Northwestern Community College

MonDak Conference: Miles Community College
Dawson Community College
Bismarck State College
Williston State College
Minot State University- Bottineau

Dac-10 Conference: Dickinson State University
Valley City State University
Jamestown College
Minot State University
Mayville State University
University of Mary
Huron University
Dakota State University

** This league just switched after doing a cost feasibility study.

NWAAC Conference: To Many to list. All of the community colleges from Washington and Oregon (20 schools approx.)

There are no college conferences in our entire region that use non-wood bats. The college programs have found safety and affordability in this decision to go with wood/composite bats. It is impossible to make an argument that metal bats are more cost effective in my opinion. Bats are not durable and have only a 90 day warranty while the cost of the best technology is skyrocketing.

Cost analysis for Miles Community College:

We spend \$720 per year on 6 composite bats for the team. They are very durable and last several years each. We have not broken one bat in our 4 years of using them. Before wood bats our budget would buy 3 metal bats for \$300 each and sent many of them back because of cracks or breakage. The technology has become so performance driven that metal bats are not durable as they were originally in the 70's and 80's.



STERLING McCLELLAN POST 142

THE AMERICAN LEGION
171 American Legion Boulevard
Pompano Beach, Florida 33060
(954) 942-2448 • Fax: (954) 942-2451

OPEN LETTER TO THE NATIONAL EXECUTIVE COMMITTEE FROM A POST COMMANDER

January 8, 2005

Dear National Executive Committee Members,

One thousand, one hundred, and eighty three delegates representing the Department of Florida in convention unanimously passed on July 9, 2004 the "Return to Wood Bat" Baseball Resolution. This Resolution was reviewed by the National Americanism Rules Committee, moved to the National Americanism Committee, and moved from the National Convention to the National Executive Committee (NEC). Baseball Chairmen representing all departments of the American Legion reviewed the resolution during the Americanism Conference at National Headquarters on October 29-31, 2004.

The rules committee of Legion Baseball reviewed the NEC Wood Bat Resolution and the Minnesota Wood Bat Resolution (4th year). The Minnesota Resolution received support of the Northeast Region of Legion Baseball representing 675 of 5,410 total Legion Baseball Teams nationwide. The other members of the rules committee voted against the Minnesota Resolution which included Wood "composite" Bats.

The NEC Wood Bat Resolution from Department of Florida, Major League Baseball (MLB) Wood Bat Rule, wood bats only, was not voted on. Opinions were solicited on the subject. The Baseball Committee in full business session did not vote on the NEC Resolution.

The business session included a presentation by Mr. Jim Darby, of Easton Bat Company. Mr. Darby was given the podium for his presentation. Department Chairmen wishing to address the bat issue had to do so from the

National Executive Committee
January 8, 2005
Page 2

floor of the meeting. Two days prior to the business session, at a Rules Committee meeting, Department Chairmen inquired why a coach of the National Collegiate Athletic Association (NCAA) or a representative of the Wood Bat Industry were not allowed the same privilege of the podium to present their views on this issue.

Following Mr. Darby's presentation, Mr. Sperling introduced the New Jersey Department Delegation regarding "altered" equipment. A coach rose from his chair in the audience to demonstrate a swing of an aluminum bat used in the on deck circle during the state finals in Atlantic City New Jersey. The top came off the bat revealing that it had been modified with a "5 lb" device. The bat had been used for "15 years" with this modification. "New Jersey Baseball would probably be out of business" stated the New Jersey coach had the device hit a person.

The Legion Rule book in Florida and the Legion Insurance only cover aluminum bats meeting the published rules. Modified bats are not within the rules. Aluminum bats cannot be checked without a tool kit, a procedure well beyond the scope of an umpire's resources. Aluminum bats are "sealed" and cannot be broken open to detect tampering. Wood Bats that are corked can be broken to determine tapering. The modified New Jersey Aluminum Bat had been used for "15 years". The coach of the delegation of the Department of New Jersey stated that they "did not have enough insurance to cover that." "Don't let it happen" was the request of the coach.

Attached to this letter is the agenda for American Legion Baseball of the 2004 Americanism Conference. Three (3) agenda items are dedicated to finding out how to get Post marketing, sponsorship, and supervision for Legion Baseball. Three periods of discussion were held on Post jurisdiction and supervision from 9:30 AM to 11:30 AM October 29th. Based on these conference discussions showing reluctance by Posts to support teams, committee presentations, and the following official filing regarding wood bats with the Consumer Product Safety Commission,

National Executive Committee

January 8, 2005

Page 3

“Mr. Milton A. Gordon, Chair of the “blue-ribbon” Research Panel formed by the NCAA Executive Committee said “In terms of both risk and integrity, the panel concluded that wood should be the standard. Given the fact that baseball has been played with wooden bats since the inception of the game, the group determined that the level of risk associated with wooden bats is generally accepted by all associated with the game.””

I ask the NEC to suspend the use of aluminum bats in American Legion Baseball. There is liability to Posts, as sponsors of an American Legion Baseball Team that have an incident of injury or death from a batted ball off a modified aluminum bat, intentional or unintentional through use. S. A. Van Dyk enclosed a yellow insert for 2005 insurance applications stating “Be aware that this Plan may not pay for all the unpaid balance from an injury.” The competition and requests for American Legion Baseball and Post funds are enormous. The potential of a direct lawsuit for aluminum bat product tampering cannot be allowed to imperil our Legion Baseball programs or the existence of the League and the Posts.

The Americanism Conference presentation by Ms. Maggi Van Dyk, President S. A. Van Dyk, Inc., Legion Baseball Insurance revealed 36 more injuries chin to top of head over the previous year. These material claims brought forth the suggestion that headgear be worn as used by Hockey Goalies. The Post Insurance Program, the insurer for Post facilities and employees sent a separate questionnaire by US Mail to Posts requiring documentation of the existence of an American Legion Baseball Team before issuing a 2004-2005 policy renewal, the first time ever that anyone remembers such a survey being taken. Can American Legion Posts afford these increased insurance costs? The 2005 S.A. Van Dyk Insurance application yellow warning insert pointing to page 3 of the Sentry Insurance Policy also states “...The patient may have some out-of-pocket expense”. The opportunity for the parents to make a claim for these unpaid out-of-pocket expenses can present itself at any General Meeting of the Post.

National Executive Committee

January 8, 2005

Page 4

Mr. Jim Quinlan, American Legion Baseball National Chairman, alerted me to the death of Legion Baseball player Brandon Patch from a batted ball off an aluminum bat in 2003. Mr. Quinlan is looking to College Baseball to lead the way on Wood Bat use. The American Baseball Coaches Association (ABCA), representing thousands of College coaches met in convention January 6-8, 2005, Nashville, Tennessee. I was there to see if Post Commanders would get support from the College fraternity.

Coach Mike Scolinos, formerly of Pasadena City College, California, was eye witness to the severe injury of a college player by a batted ball off an aluminum bat during a college game in the Fall of 2003. The time from injury to the Los Angeles Trauma Center was ten (10) minutes. This is arguably the top brain treatment center in the nation. Doctors commented that they felt the player would die. Surgery was performed to remove the skull and implant it into his stomach allowing the brain to swell. Several days passed. Today the player has returned home to Australia. He could not remember his two and one-half months in the United States. Reportedly he is now a bartender and has trouble retaining an order of more than three items.

Mr., Quinlan points to the NCAA to lead the way. The American Legion is a leadership organization of America. A suspension of Aluminum Bat for the protection of Posts from litigation is essential to preserve Legion Baseball.

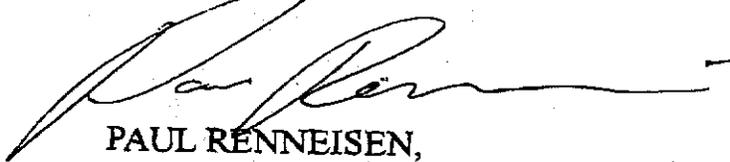
Mr. Tom Sperling, Chairman of Legion Baseball for the Department of Florida, has stated he will not implement or enforce the Department of Florida Return to Wood Bat Resolution duly passed by the official 2004 Florida State convention of the American Legion. Accordingly, when the tournament champion of District 9S of the Southern Area advances to regional, state or national tournament seeding in 2005, we will require that any aluminum bat used in a Legion game that results in a batted ball that injures or kills a player, that the aluminum bat be immediately quarantined, packaged and sealed for examination by the authorities.

National Executive Committee
January 8, 2005
Page 5

For liability reasons Post Commanders cannot permit the use of any bat except Major League Wood Bat rule wood bats. It is time to implement the unanimous vote to use Major League Wood Bats, duly voted by the Department of Florida, before another fatality occurs.

I sincerely hope each and every member of the NEC can step up to this challenge and turn it into a giant step toward traditional American Values.

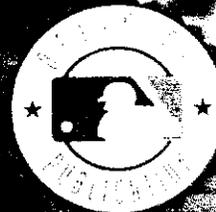
FOR GOD AND COUNTRY:



PAUL RENNEISEN,
Commander, Sterling McClellan Post 142, Pompano Beach, Florida.
E-mail: alpost142fl@pngusa.net
See us at: www.amerilegion.org for background information.

Official Baseball Rules

2004 Edition



Published by
Sporting News
BOOKS

1.08 The home club shall furnish players' benches, one each for the home and visiting teams. Such benches shall not be less than 25 feet from the base lines. They shall be roofed and shall be enclosed at the back and ends.

1.09 The ball shall be a sphere formed by yarn wound around a small core of cork, rubber or similar material, covered with two stripes of white horsehide or cowhide, tightly stitched together. It shall weigh not less than five nor more than $5\frac{1}{4}$ ounces avoirdupois and measure not less than nine nor more than $9\frac{1}{4}$ inches in circumference.

1.10(a) The bat shall be a smooth, round stick not more than $2\frac{3}{4}$ inches in diameter at the thickest part and not more than 42 inches in length. The bat shall be one piece of solid wood.

NOTE: No laminated or experimental bats shall be used in a professional game (either championship season or exhibition games) until the manufacturer has secured approval from the Rules Committee of his design and methods of manufacture.

(b) Cupped Bats. An indentation in the end of the bat up to one inch in depth is permitted and may be no wider than two inches and no less than one inch in diameter. The indentation must be curved with no foreign substance added.

(c) The bat handle, for not more than 18 inches from its end, may be covered or treated with any material or substance to improve the grip. Any such material or substance, which extends past the 18 inch limitation, shall cause the bat to be removed from the game.

NOTE: If the umpire discovers that the bat does not conform to (c) above until a time during or after which the bat has been used in play, it shall not be grounds for declaring the batter out, or ejected from the game.

(d) No colored bat may be used in a professional game unless approved by the Rules Committee.

1.11(a) (1) All players on a team shall wear uniforms identical in color, trim and style, and all players uniforms shall include minimal six-inch numbers on their backs. (2) Any part of an undershirt exposed to view shall be of a uniform solid color for all players on a team. Any player other than the pitcher may have numbers, letters, insignia attached to the sleeve of the undershirt.

(3) No player whose uniform does not conform to that of his teammates shall be permitted to participate in a game.

(b) A league may provide that (1) each team shall wear a distinc-

Mr. Mathews,

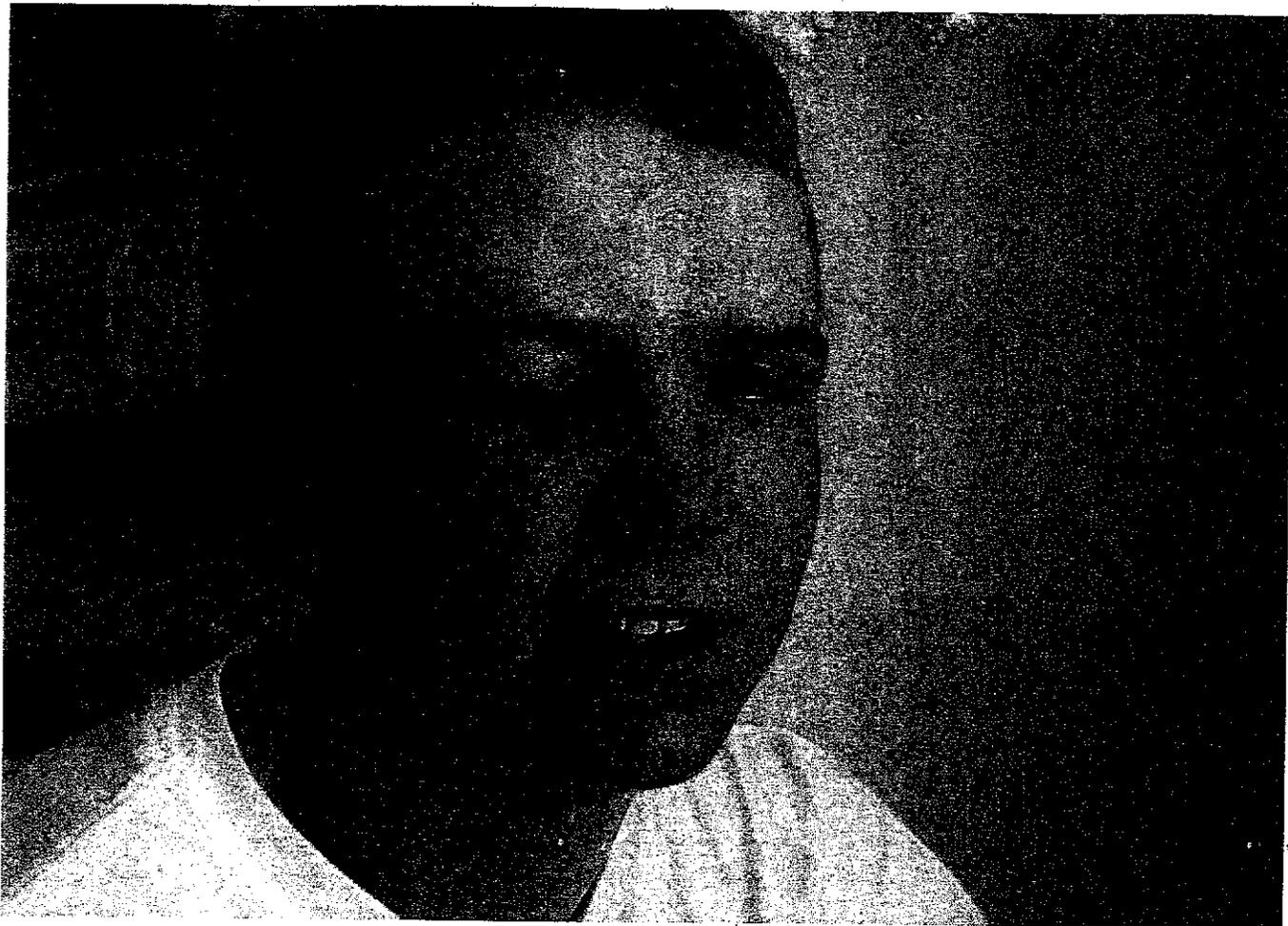
I am the head coach of the Kalispell Lakers American Legion Baseball team. I am in complete support of your bill to eliminate the use of metal bats. Each year, we participate in a variety of tournaments. Some tournaments are metal bat tournaments and some are strictly wood bat tournaments. The difference is astounding. In a wood bat game, the score is lower, the homeruns are reduced and the game time is cut nearly in half. This is a result of the inability by the offense to hit the ball as hard which keeps more balls in the park and more plays to be made in the infield. Some will argue that the same injuries that occur with metal bats would also happen with wood bats, to some extent that may be true but I can tell you without a shadow of a doubt, that the reaction time for a player to a ball hit with a wood bat is much greater than the time allowed for a ball hit with a metal bat. For years, I have said to my assistant coaches, board members and anyone else who will listen, that I hold my breath each year, each pitch and each at bat for my pitcher and my third baseman. The balls hit at them by metal bats does not allow the reaction time necessary to protect themselves let alone make a defensive play. The plays that they often do make are just that, self defense.

For every Brandon Patch there are many many more near misses and unreported incidents. For every reported incident in a game, there are many many more incidents that you never hear of in practice. Last year, I had one of my 16 year old pitchers hit in the eye during a game. I have a photo of him that I am sending to you but to say that this event was scary would be an extreme understatement. That young man is not playing again this year.

You are going to hear the argument by American Legion Officials that we will be unable to host Regional Tournaments because the National Office will not adopt a wood bat rule. I don't care. Those are monetary concerns. Perhaps by Montana making a stand others will follow. You will most likely hear from spokesmen of the industry (Easton and others) that their tests prove the speed of the ball coming off of a metal bat is the same as a wood bat. This is not true. Their tests are slanted by using only the finest quality wood bats that end up in the hands of professional players. The next best bats go to the minor leagues and the quality diminishes as each level of play goes down. Therefore, the quality of wood bat that we will see will be far less and I can assure you that the speed differences are significant. The lobbyist for these companies will also say that by rule, anyone can use a wood bat if they wish, but ask any team out there if they would feel that they are on an equal field with me if my team used a metal bat and their team used wood? I can assure you that there would be no takers.

I want to make sure you know that I speak on behalf of myself and not my board or American Legion Baseball. In addition, I know that leagues are always concerned about costs so I believe allowing the use of composite wood bats are a good compromise. College players who have used composites will tell you that there is still a noticeable difference between composites and metal. Good luck with your bill. If there is anything I can do to help, let me know.

Mike McFarland
P.O.Box 2356
Kalispell, Montana 59903
(406) 752-3745 261-4987 cell
oline@montanasky.us



THANKS TO EVERYONE FOR YOUR THOUGHTS, PRAYERS
AND PHONE CALLS!

I'M DOING GREAT....

12 STITCHES THAT WILL COME OUT NEXT WEEK
THE DOCTOR SAYS HE THINKS MY VISION WILL BE OK
NO BROKEN BONES IN MY FACE, BUT A NICE BLACK EYE

IT'S NICE TO KNOW HOW MUCH PEOPLE CARE... YOU ARE
ALL AWESOME!!!

NEIL DEZORT