Montana State Legislature

Exhibit Number: 9

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.

Montana Historical Society Archives, 225 N. Roberts, Helena, MT 59620-1201; phone (406) 444-4774. For minutes in paper format, please contact the Montana State Law Library, Justice Building, 215 N. Sanders, Helena, MT 59620; (406) 444-3660. Tapes and exhibits are also available at the Historical Society (tapes are retained for five years). Scanning done by: Susie Hamilton

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Montana Legislative Services Division

Office of Research and Policy Analysis
David D. Bohyer, Director

SENATE STATE ADMIN.
EXHIBIT NO. 9
DATE 4.1.05
BILL NO. HJR 19

March 22, 2005

TO: Sen. Carolyn Squires, Presiding Officer, State Administration Committee
Members of the Senate State Administration Committee
FROM: Dave Bohyer Dave
RE: HJR 19

Following the hearing yesterday on HJR 19, you asked Mr. Jim Darby, Easton Sports, to respond to your request for information regarding Mr. Darby's testimony that HJR 19 contains erroneous or untrue information.

Mr. Darby did respond and I am attaching a copy of the material that he provided to me in response to your request. Mr. Darby also telephoned me this morning to make sure that I had received the information and would forward it to you. I assured him that I had and I would; ergo, this memo and the attachments.

I have given to CJ Johnson, the Committee Secretary, the original documents that Mr. Darby provided to me.

Respectfully submitted.

PS -- I have also had a conversation with Speaker Matthews regarding HJR 19 and we are working on possible amendments. DB

2005 Session\03225b re HJR 19 Squires.wpd
enc.

TO: Dave Bohyer

FROM: Jim Darby

For Chairwoman Squires

Submitted by Jim Darby
Easton Sports

Dear Chairwoman Squires 3/21/05

Please excuse my handwritten note, but I do not have access to a computer.

In response to your request, here is why I stated why many of the "whereas" clauses in HJ 19 are not true.

I will write the letter that corresponds to each of the "whereas" clauses that I am questioning.

A.) "whereas" lines 11 and 12

Please refer to the attached Consumer Product Safety Commision report, Roman Numeral III, Paragraph II. The "whereas" gives the impression that 17 players have been killed by nonwood bats. As you can see from the CPSC report, there have been batted ball impact deaths from both wood and nonwood bats. The "whereas" clause failed to mention two of the deaths were caused by balls hit off wooden bats.

B.) "whereas" lines 13 and 14

There is no data that supports the contention

that balls batted off of wood or nonwood bats are so fast that they exceed human reaction time

c.) "Whereas" lines 17 and 18

Please refer to "Whereas" B from the preceeding page.

D.) "Whereas" lines 20-23

There is no authority for the statement in this "Whereas" clause. In fact, it is true that all amatuer baseball governing bodies have experienced lower injury rates, resulting in decreasing insurance costs. Please refer to the booklet submitted to the committee. For your convenience I have enclosed another copy.

I hope the above answers your questions.

Sincerely,

Jim Darby

Easton Sports

Jeff Ballard
845 12th Street West, Billings, MT 59102
(406) 670-8984

March 16, 2005

The Honorable Carolyn Squires, Chair
The Honorable Joe Balyeat, Vice-Chair
Montana State Senate
State Administration Committee
P.O. Box 200500
Helena, MT 59620-0500

Dear Senator Squires, Senator Balyeat and Members of the Committee:

As your Committee prepares to consider H.J. Res 19 on March 21, I wanted to provide you with my perspective on American Legion baseball and the use of non-wood baseball bats via this letter since I am unavailable to testify at this hearing.

I am not opposed to a resolution, but I am concerned that some of the clauses of H.J. Res 19 are not accurate and that the Montana Legislature may adopt a resolution not based on facts as well as not correctly reflecting American Legion baseball and the use and safety of aluminum bats.

I have spent a part of every year, since I was growing up in Billings, on a baseball field – including several years with the Baltimore Orioles and Pittsburgh Pirates. It has been my privilege over the past 10 years to have coached the American Legion teams in my hometown as well as currently chairing our Legion Baseball board. However, the past two seasons of American Legion Baseball in Montana have been difficult because of the tragic death of Brandon Patch – his passing has had an impact on everyone associated with American Legion baseball.

Prior to Brandon's death, I had not done any research into aluminum versus wood bats and in fact had the opinion that aluminum bats hit the ball too fast. Since that time, as a commitment to the safety of American Legion baseball players, I have done a lot of reading and research into the safety of the game and the use of aluminum bats. I have talked with many other officials involved with our sport to ensure that we as coaches and

administrators of the game are doing everything possible to ensure a player's safety and enjoyment.

I believe that baseball is a safe sport today – and through the monitoring and leadership of leagues and officials across the country – will be a safe sport tomorrow, but mandating the use of wood bats will not make it safer. Let me explain what I have learned.

A fundamental change in aluminum bats occurred six years ago when the National Collegiate Athletic Association (NCAA) moved to limit and cap the performance of aluminum baseball bats through independent testing and certification.

The Ball Exit Speed Ratio (BESR) certification process, which is conducted at the Baseball Research Center at UMass-Lowell Department of Mechanical Engineering, ensures an aluminum bat meets four criteria:

1. the maximum exit speed is similar to the performance of the best Northern White Ash wood bat – 97 miles per hour;
2. the bat's length to weight differential is no greater than minus-3 (for instance a 34 inch bat must weigh 31 ounces – the bat is heavier);
3. the barrel diameter may not exceed a maximum of 2 5/8 inches – bats in the past were 2 3/4 inches – the barrel is smaller;
4. the balance point of the bat meets the moment-of-inertia requirement.

Shortly after the NCAA adopted these new bat standards, the American Legion required these bats. This bat standard has accomplished its goal and is proven by factual data. Over the last 5 years (BESR certification went into effect for NCAA baseball in 2000) there has been a significant drop in offensive statistics in college baseball as well as a decrease in pitcher's earned run average. The reason for this is that aluminum bats have been slowed down and now perform similar to the Northern White Ash wood bats. (Statistical data and a couple of newspaper articles are provided with this letter.)

As I noted, some clauses in H.J. Res. 19 contain inaccurate suppositions which I believe should be corrected by the legislature. Specifically, the following clauses in the legislation are inaccurate or slanted:

"WHEREAS, 17 players have been killed by batted baseballs from bats determined to be nonwood aluminum, composite, or "unknown" substances during a 10-year period, according to a CBS News Report; and"

> Dr. Fredrick Mueller, Chairman of the Department of Exercise and Sport Science at the University of North Carolina and Director of the National Center for Catastrophic Sports Injury Research is the nation's leading expert on sport safety. He is also a member of USA Baseball's Medical/Safety Advisory Committee. According to Dr. Mueller, the CBS media report is inaccurate and not specifically related to organized baseball games or practices. In fact, Dr. Mueller noted that some of the deaths in the CBS News story occurred with children playing in their

front yard where one child hits the ball to another (unsupervised). Another was a batted ball that took a bad hop and hit the infielder. Also some of the cases stated were injuries to a player's chest with a baseball -- but they do not indicated whether the ball was thrown or hit with a bat.

"WHEREAS, nonwood bats when used by young men and mature men can propel a baseball off the bat at a rate of speed that exceeds human reaction time for pitchers and infielders; and"

From personal experience, I know that batted balls do hit pitchers. In fact, I have been hit by batted balls at every level of baseball – including a 110 MPH line drive off a wood bat during a Major League game that hit my neck (a radar speed gun measured the ball's velocity). The fact of the matter is that on occasion, under optimal conditions, a wood and aluminum bat can hit a ball in excess of 97 MPH and exceed a pitcher's reaction time. A number of researchers have studied player response times in several different studies. The U.S. Consumer Product Safety Commission reviewed the reaction time studies and noted that non-wood bats "in some test conditions may produce speeds near a pitcher's limit to react." But the CPSC also indicated, "factors other than reaction time may also determine whether a pitcher is injured." The CPSC reported there is "no information, nor is the Commission aware of any, that injuries produced by balls batted with non-wood bats are more severe than those involving wood bats." However, I will be the first to say that players and pitchers will continue to get hit by batted balls from wood and aluminum bats – it is a variable in the game that is unavoidable.

"WHEREAS, since its inception until the invention of nonwood bats in the 1970s, baseball had been played with a wood bat; and"

Safety concerns were one of the reasons non-wood bats were introduced to amateur baseball in the 1970s. Wood bats available to amateur players were breaking / shattering and sending shards of wood on the field and into the spectator areas. Today, nearly every amateur league allows wood and aluminum bats – and every Major League player today grew up using aluminum bats.

"WHEREAS, the wood bat is forgiving in that it breaks, and aluminum bats repel the baseball at velocities that exceed human reaction time; and"

Wood bats break or shatter when the ball is hit "off the handle" or the area between the player's grip and the barrel of the bat. Needless to say, when a wood bat breaks the fragments of the bat become projectiles on and off the field representing a safety hazard. A ball hit "off the handle" of an aluminum bat will not break the bat, but will most likely produce a grounder or infield pop-up. But as I noted earlier, any bat – wood or aluminum – is capable of hitting a baseball at speeds that will exceed a player's reaction time; it occurs when the player's swing, pitch location, bat speed, barrel location / alignment are all perfectly in sync. These instances can produce any number of batted balls: line drives to the

outfield, line drive foul balls into spectators, home runs over the fence, line drives to the infielders – and line drives to back to the pitcher.

"WHEREAS, nationwide responsible baseball organizations and governmental bodies have found that nonwood bats that increase the velocity of batted balls beyond the ability of defensive players to react to them have resulted in a rising rate of injuries and that this places our children, particularly those of high school age, in an unacceptable risk of injury; and"

I am not aware of any baseball organization or governmental body that has indicated non-wood bats are a safety risk. The following organizations have studied aluminum bats: USA Baseball, Consumer Product Safety Commission, National Collegiate Athletic Association (Blue Ribbon Research Panel), National Federation of State High School Associations, United States Specialty Sports Association, Little League Baseball, Babe Ruth Baseball, and PONY Baseball, not one of these leagues or organizations have prohibited their use. The American Legion has studied the safety of aluminum bats – and as a result of Brandon Patch's death, is taking a renewed look at their use. (A packet of letters from several baseball leagues and organizations that were sent to the Montana House of Representatives are provided with this letter.)

The role of American Legion in the lives of young Montana baseball players is perhaps more significant than elsewhere in the United States because our league offers the only quality baseball competition for teenagers in the state. Without high school sponsored baseball teams, the American Legion program is the best way for our community to organize its young people to play the game of baseball.

I benefited tremendously from American Legion as a player and am pleased that I can pass along knowledge and love of the game to a new generation of players as a coach. All of us involved in American Legion have a commitment to our players and their safety. I encourage the Montana Legislature to adopt a resolution that is accurate and would support the continued commitment to player safety in the American Legion and encourage a constant monitoring of player safety.

As an example, the following clauses and language could be substituted into H.J. Res 19:

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE AMERICAN LEGION TO THOROUGHLY STUDY THE USE AND SAFETY OF NONWOOD BASEBALL BATS

WHEREAS, Brandon Patch, a citizen of the State of Montana, subject to the state's laws and deserving of its care and protection, and a proud member of the Miles City American Legion Baseball team the Mavericks, was killed by a batted ball from a nonwood bat in a baseball game in 2003; and

WHEREAS, since its inception until the invention of nonwood bats in the 1970s, baseball had been played with a wood bat; and

WHEREAS, Major League Baseball is played exclusively with wood bats; and

WHEREAS, national baseball organizations should strive to ensure the safety of the game and players and monitor their rules for player safety;

WHEREAS, the State of Montana's American Legion may and should study the use and safety of nonwood baseball bats; and

WHEREAS, the State of Montana's American Legion may and should petition the National American Legion to study the use and safety of nonwood baseball bats.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana's American Legion petition the National American Legion to study the use and safety of nonwood baseball bats.

If you have any questions, I hope you will not hesitate to contact me. I also encourage you to attend an American Legion game and see the quality of our players on and off the field.

Sincerely,

Jeff Ballard
406-670-8984