

Senate Resolution No. 49

Introduced by Senator Wright

Relative to sports wagering.

WHEREAS, Since January 1, 1993, the federal Professional and Amateur Sports Protection Act (28 U.S.C. Sec. 3701 et seq.) has prohibited states and local governments from authorizing sports wagering; and

WHEREAS, Under the federal Professional and Amateur Sports Protection Act, it is unlawful for a governmental entity to sponsor, operate, advertise, license, or authorize by law or compact, a lottery, sweepstakes, or other betting, gambling, or wagering scheme (referred to as “sports betting”) based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of those athletes in those games (28 U.S.C. Sec. 3702); and

WHEREAS, The federal Professional and Amateur Sports Protection Act makes it unlawful for a person to sponsor, operate, or promote, pursuant to the law or compact of a governmental entity, a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of those athletes in those games (28 U.S.C. Sec. 3702); and

WHEREAS, The federal Professional and Amateur Sports Protection Act does not apply to a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a state or other governmental entity, to the extent that the scheme was conducted by that state or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990 (28 U.S.C. Sec. 3704(a)(1)); and

WHEREAS, The federal Professional and Amateur Sports Protection Act does not apply to a lottery, sweepstakes, or other betting, gambling,

or wagering scheme in operation in a state or other governmental entity where both the scheme was authorized by a statute as in effect on October 2, 1991, and a scheme described in Section 3702 of Title 28 of the United States Code, other than one based on parimutuel animal racing or jai alai games, was actually conducted in that state or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that state or other governmental entity (28 U.S.C. Sec. 3704(a)(2)); and

WHEREAS, The federal Professional and Amateur Sports Protection Act does not apply to a betting, gambling, or wagering scheme conducted exclusively in casinos located in a municipality, if the scheme or a similar scheme was authorized to be operated in that municipality not later than January 1, 1994, and any commercial casino gaming scheme was in operation in that municipality throughout the 10-year period ending on January 1, 1993, pursuant to a comprehensive system of state regulation authorized by that state's constitution and applicable solely to that municipality (28 U.S.C. Sec. 3704(a)(3)); and

WHEREAS, The federal Professional and Amateur Sports Protection Act does not apply to parimutuel animal racing or jai alai games (28 U.S.C. Sec. 3704(a)(4)); and

WHEREAS, As a result of the exceptions contained in the federal Professional and Amateur Sports Protection Act, sports betting is permitted in Nevada, Delaware, Oregon, and Montana, but prohibited in the remaining 46 states of the United States, including California; and

WHEREAS, The Senate for the State of New Jersey has passed a resolution supporting, and authorizing one of its members to join, a lawsuit in the United States District Court for the District of New Jersey challenging the federal ban on sports betting as unconstitutional; and

WHEREAS, The federal sports wagering ban is not effective in curbing illegal sports betting, and lifting that ban would allow state gaming enforcement agencies to properly regulate and police this activity; and

WHEREAS, The federal Professional and Amateur Sports Protection Act discriminates against California and deprives the state of the opportunity afforded to Nevada, Delaware, Oregon, and Montana to raise millions of dollars in revenue that would potentially flow from the legislative authorization of sports betting in this state; and

WHEREAS, An end to the federal ban would potentially benefit the State of California significantly, thereby generating income for the state; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate respectfully urges the President and the Congress of the United States to remove the federal ban on sports wagering by repealing the Professional and Amateur Sports Protection Act; and be it further

Resolved, That the Senate respectfully urges the Attorney General of California to take legal action on behalf of the State of California as the Attorney General deems appropriate and necessary to challenge enforcement of the federal Professional and Amateur Sports Protection Act, including the submission of an amicus brief in *Interactive Media Entertainment & Gaming Assoc., Inc. v. Attorney General of the United States* (United States Dist. Court, Dist. N.J.) Case 3:09-cv-01301-GEB; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Majority Leader of the Senate, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and the Attorney General of California.

Senate Resolution No. 49 read and adopted by the Senate August 27, 2010.

Attest: _____
Secretary of the Senate