
Introduced by Senators Kopp and Burton

February 5, 1997

Senate Concurrent Resolution No. 13—Relative to professional basketball.

LEGISLATIVE COUNSEL'S DIGEST

SCR 13, as introduced, Kopp. Professional basketball players: pensions.

This measure would express the view of the Legislature that certain surviving post-World War II, pre-1965 professional basketball players are entitled to both pensions and proper compensation for their intellectual property rights.

Fiscal committee: no.

1 WHEREAS, The purpose of the National Basketball
2 Association (NBA) is, among other things, to protect the
3 rights and advance the interests of professional basketball
4 players; and

5 WHEREAS, Current pension provisions of the NBA
6 allow post-1965 players vested pension rights after only
7 three seasons, while pre-1965 players must have played
8 five years in order to obtain vested pension rights; and

9 WHEREAS, Approximately 75 needy, post-World War
10 II, pre-1965 pioneer professional basketball players are
11 thus excluded from any pension rights under these
12 provisions; and

13 WHEREAS, The pioneer players established the
14 foundation for the enormous benefits enjoyed by today's
15 players, in the National Basketball League, which merged

1 with the Basketball Association of America in 1949 to form
2 the NBA; and

3 WHEREAS, As a result of the efforts of those pioneer
4 players, today's multimillionaires are assured of a
5 prosperous pension in their advanced years; and

6 WHEREAS, By excluding those pioneer players from
7 its pension plan, the NBA is disavowing its moral duty to
8 care for the very players who furnished professional
9 basketball the impetus for prosperity and durability; and

10 WHEREAS, Not only are those players denied
11 pensions, but their intellectual property rights have been
12 violated, and are violated, by the misappropriation of
13 their names, photographs, and other likenesses for
14 merchandise by the NBA without permission or full and
15 proper compensation; and

16 WHEREAS, The so-called 50th anniversary of the NBA
17 is a sham inasmuch as the association was not formed until
18 1949; now, therefore, be it

19 *Resolved by the Senate of the State of California, the*
20 *Assembly thereof concurring,* That the surviving
21 post-World War II, pre-1965 National Basketball League
22 players with a minimum of three years of eligible service
23 should be entitled to both pensions and proper
24 compensation for their intellectual property rights; and
25 be it further

26 *Resolved,* That the Secretary of the Senate transmit
27 forthwith copies of this resolution to the Commissioner of
28 the National Basketball Association and to the NBA
29 Players' Association, with the request for the inclusion of
30 those pre-1965 players with a minimum of three years of
31 eligible service, in the current and future benefits of the
32 basketball players' pension fund and for full
33 compensation for the use of their names, photographs,
34 and other likenesses.

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