

Senate Concurrent Resolution No. 13

RESOLUTION CHAPTER 87

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

[Filed with Secretary of State August 14, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 13, 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.

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

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

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

WHEREAS, The pioneer players established the foundation for the enormous benefits enjoyed by today's players, in the National Basketball League, which merged with the Basketball Association of America in 1949 to form the NBA; and

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

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

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

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



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

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

