House Resolution 178 (COMMITTEE SUBSTITUTE)

By: Representatives Levitas of the 82nd, Coan of the 101st, Parrish of the 156th, Wilkinson of the 52nd, Lunsford of the 110th, and others

A RESOLUTION

Proposing an amendment to the Constitution so as to authorize the General Assembly to provide for contracts that limit competitive activities between or among employers and employees, distributors and manufacturers, lessors and lessees, partnerships and partners, franchisors and franchisees, sellers and purchasers of a business or commercial enterprise, or two or more employers; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.** 9 Article III, Section VI, Paragraph V of the Constitution is amended by revising subparagraph 10 (c) as follows: 11 ''(c)(1) The General Assembly shall not have the power to authorize any contract or 12 agreement which may have the effect of or which is intended to have the effect of 13 defeating or lessening competition, or encouraging a monopoly, which are is hereby 14 declared to be unlawful and void. Except as otherwise provided in subparagraph (c)(2)15 of this paragraph, the General Assembly shall not have the power to authorize any 16 contract or agreement which may have the effect of or which is intended to have the effect of defeating or lessening competition, which is hereby declared to be unlawful and 17 18 void. 19 (2) The General Assembly shall have the power to authorize and provide by general 20 law for judicial enforcement of contracts or agreements restricting or regulating 21 competitive activities between or among: 22 (A) Employers and employees; 23 (B) Distributors and manufacturers; 24 (C) Lessors and lessees; 25 (D) Partnerships and partners; 26 (E) Franchisors and franchisees; 27 (F) Sellers and purchasers of a business or commercial enterprise; or

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28	(G) Two or more employers.
29	(3) The authority granted to the General Assembly in subparagraph (c)(2) of this
30	paragraph shall include the authority to grant to courts by general law the power to limit
31	the duration, geographic area, and scope of prohibited activities provided in a contract or
32	agreement restricting or regulating competitive activities to render such contract or
33	agreement reasonable under the circumstances for which it was made."
34	SECTION 2.
35	The above proposed amendment to the Constitution shall be published and submitted as
36	provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
37	above proposed amendment shall have written or printed thereon the following:
38	"() YES Shall the Constitution of Georgia be amended so as to permit the General
39	Assembly to enact laws that authorize contract provisions regulating
40	() NO competitive activities and to enable courts to ensure the reasonableness of
41	such contracts?"
42	All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
43	All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
44	such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall

45 become a part of the Constitution of this state.