

The House Committee on Judiciary offers the following substitute to HR 178:

## A RESOLUTION

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

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### SECTION 1.

9 Article III, Section VI, Paragraph V of the Constitution is amended by revising subparagraph  
10 (c) as follows:

11 "(c)(1) Except as otherwise provided in subparagraph (c)(2) of this paragraph, the The  
12 General Assembly shall not have the power to authorize any contract or agreement which  
13 may have the effect of or which is intended to have the effect of defeating or lessening  
14 competition, or encouraging a monopoly, which are hereby declared to be unlawful and  
15 void.

16 (2) The General Assembly shall have the power to authorize and provide by general  
17 law for judicial enforcement of contracts or agreements restricting or regulating  
18 competitive activities between or among:

- 19 (A) Employers and employees;
- 20 (B) Distributors and manufacturers;
- 21 (C) Lessors and lessees;
- 22 (D) Partnerships and partners;
- 23 (E) Franchisors and franchisees;
- 24 (F) Sellers and purchasers of a business or commercial enterprise; or
- 25 (G) Two or more employers.

(3) The authority granted to the General Assembly in subparagraph (c)(2) of this paragraph shall include the authority to grant to courts by general law the power to limit the duration, geographic area, and scope of prohibited activities provided in a contract or agreement restricting or regulating competitive activities to render such contract or agreement reasonable under the circumstances for which it was made."

## SECTION 2.

32 The above proposed amendment to the Constitution shall be published and submitted as  
33 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
34 above proposed amendment shall have written or printed thereon the following:

39 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
40 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
41 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
42 become a part of the Constitution of this state.