

Senate Resolution 794

By: Senators Miller of the 49th, Gooch of the 51st, Wilkinson of the 50th, Ginn of the 47th, Unterman of the 45th and others

A RESOLUTION

1 Creating the Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line
2 Commission; and for other purposes.

3 WHEREAS, the northern border of the State of Georgia and the southern border of the States
4 of North Carolina and Tennessee lie at the 35th parallel, north of the southernmost bank of
5 the Tennessee River; and

6 WHEREAS, a flawed survey conducted in 1818 and never accepted by the State of Georgia
7 erroneously marks the 35th parallel south of its actual location; and

8 WHEREAS, over a long period of years, from time to time, the legislatures of these states
9 have undertaken to authorize the appointment of committees to meet and to resolve the issues
10 associated with the wrongly surveyed and erroneously marked border; and

11 WHEREAS, by an Act of the General Assembly of North Carolina, approved in 1881 (N.C.
12 Gen. Stat. 141-1 to 6 (1964)), the General Assembly of North Carolina authorized the
13 Governor of North Carolina to appoint commissioners and a surveyor from North Carolina
14 to act with the commissioners and surveyors appointed or to be appointed by any of the states
15 contiguous to North Carolina to resurvey and mark the boundary lines between these states;
16 and

17 WHEREAS, no official record of any such commissioners and surveyors as provided for in
18 said Act exists; and

19 WHEREAS, by an Act of the General Assembly of Georgia, approved October 15, 1887
20 (Ga. L. 1886-87, p. 105), the General Assembly of Georgia directed the Governor to
21 communicate with the Governor of Tennessee for the purpose of having a joint survey and
22 settlement of the disputed boundary question and authorized the appointment of a committee

23 to meet with an assembly committee representing the State of Tennessee, whose duty it
24 would be to survey, establish, and proclaim the true boundary line; and

25 WHEREAS, by an Act approved April 8, 1889, the General Assembly of the State of
26 Tennessee enacted a similar authorization; and

27 WHEREAS, by a resolution approved March 6, 1941 (Ga. L. 1941, p. 1850), the General
28 Assembly directed the Governor of Georgia to communicate with the Governor of Tennessee
29 for the purpose of having a joint survey and settlement of the disputed question and further
30 resolved that a standing committee of the House of Representatives be created to meet with
31 a similar committee of the State of Tennessee to establish, survey, and proclaim the true
32 boundary line between Georgia and Tennessee; and

33 WHEREAS, by a resolution approved March 27, 1947 (Ga. L. 1947, p. 1728), the General
34 Assembly appointed a commission to negotiate with the proper authorities of the State of
35 Tennessee and to agree upon and to fix a definite boundary line, and, in the failure of the
36 commission to reach a settlement, the General Assembly authorized and directed the
37 Attorney General of the State of Georgia to institute suit in the federal courts for purposes
38 of accurately determining the boundary line between Georgia and Tennessee; and

39 WHEREAS, by a resolution approved March 6, 1971 (Ga. L. 1971, p. 2374), the General
40 Assembly directed the Governor of Georgia to communicate with the Governors of North
41 Carolina and Tennessee for the purpose of having joint surveys and settlements of the
42 disputed boundary questions and further resolved that a Georgia-North Carolina and
43 Georgia-Tennessee Boundary Line Commission be created to meet with similar commissions
44 of the legislatures of the States of North Carolina and Tennessee to establish, survey, and
45 proclaim the true boundary lines between Georgia and North Carolina and between Georgia
46 and Tennessee, and to take such further or other action or pursue such remedy or remedies
47 as the joint Commission of the Georgia General Assembly, by a majority vote, deems proper
48 to establish the definite and true boundary lines between Georgia and North Carolina and
49 Georgia and Tennessee; and

50 WHEREAS, by suggestion of the United States Court of Appeals for the D.C. Circuit, the
51 Chairman of the Tennessee Public Service Commission and the Chairman of the Georgia
52 Public Service Commission agreed in 1974 to reserve resolution of the general boundary
53 issue until a later date (15 FERC, p. 61240), the resolution of which has never been reached;
54 and

55 WHEREAS, notwithstanding these authorizations and directions, the boundary lines have
56 never been accurately resurveyed and marked and remain in doubt; and

57 WHEREAS, it is in the public interest and welfare that accurate and exact lines between the
58 said states be established and proclaimed.

59 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
60 GEORGIA that the Governor of Georgia is hereby directed to communicate with the
61 Governors of North Carolina and Tennessee for the purpose of having joint surveys and
62 settlements of the disputed boundary questions.

63 BE IT FURTHER RESOLVED that:

64 (1) **Creation of joint commission.** There is created the Georgia-North Carolina and
65 Georgia-Tennessee Boundary Line Commission.

66 (2) **Members and officers.**

67 (A) The commission shall be composed of six members.

68 (B) The President of the Senate shall appoint three members of the Senate as members
69 of the commission and shall designate one of such members as cochairperson.

70 (C) The Speaker of the House of Representatives shall appoint three members of the
71 House of Representatives as members of the commission and shall designate one of
72 such members as cochairperson.

73 (3) **Powers and duties.** The commission shall meet with similar commissions of the
74 General Assemblies of the States of North Carolina and Tennessee to establish, survey,
75 and proclaim the true boundary lines between Georgia and North Carolina and between
76 Georgia and Tennessee and to take such further or other action or pursue such remedy or
77 remedies as the joint commission of the Georgia General Assembly, by a majority vote,
78 deems proper to establish the definite and true boundary lines between Georgia and North
79 Carolina and Georgia and Tennessee.

80 (4) **Meetings.** The cochairpersons shall call all meetings of the commission. The
81 commission may conduct such meetings at such places and at such times as it may deem
82 necessary or convenient to enable it to exercise fully and effectively its powers, perform
83 its duties, and accomplish the objectives and purposes of this resolution.

84 (5) **Allowances and funding.**

85 (A) The legislative members of the commission shall receive the allowances provided
86 for in Code Section 28-1-8 of the Official Code of Georgia Annotated. The allowances
87 authorized by this resolution shall not be received by any member of the commission
88 for more than 15 days unless additional days are authorized. Funds necessary to carry

89 out the provisions of this resolution shall come from funds appropriated to the Senate
90 and the House of Representatives.

91 (B) In order to effectively carry out its duties and responsibilities, such commission
92 may employ consultants and contract with persons, firms, or corporations to provide
93 research and other assistance as the commission deems proper and necessary; provided,
94 however, that the amount of any funds proposed to be spent for such services shall first
95 be approved, in writing, by the Speaker of the House of Representatives and President
96 of the Senate.

97 **(6) Report.**

98 (A) The commission shall issue a report of its findings, work, and meetings with
99 similar commissions from North Carolina and Tennessee and shall report the resolution
100 of any boundary line questions or recommendations. The cochairpersons shall file a
101 report of the same prior to the date of abolishment specified in this resolution, subject
102 to subparagraph (C) of this paragraph.

103 (B) In the event the commission adopts a report that does not include suggestions for
104 proposed legislation, the cochairpersons shall file the report, subject to
105 subparagraph (C) of this paragraph.

106 (C) No report shall be filed unless the same has been approved prior to the date of
107 abolishment specified in this resolution by majority vote of a quorum of the
108 commission. A report so approved shall be signed by the cochairpersons of the
109 commission and filed with the Secretary of the Senate and the Clerk of the House of
110 Representatives.

111 (D) In the absence of an approved report, the cochairpersons may file with the
112 Secretary of the Senate and the Clerk of the House of Representatives copies of the
113 minutes of the meetings of the commission in lieu thereof.

114 **(7) Abolishment.** The commission shall stand abolished on December 1, 2018.