

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

**ADOPTED**

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.