

## Senate Resolution 822

By: Senators Shafer of the 48th, Mullis of the 53rd, Reed of the 35th, Pearson of the 51st, Smith of the 52nd and others

## A RESOLUTION

1 Creating the Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission;  
2 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 lies 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

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

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

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

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

17 WHEREAS, by a resolution approved March 6, 1971 (Ga. L. 1971, p. 2374), the General  
18 Assembly directed the Governor of Georgia to communicate with the Governors of North  
19 Carolina and Tennessee for the purpose of having joint surveys and settlements of the  
20 disputed boundary questions and further resolved that a Georgia-North Carolina and  
21 Georgia-Tennessee Boundary Line Commission be created to meet with similar commissions  
22 of the legislatures of the states of North Carolina and Tennessee to establish, survey, and  
23 proclaim the true boundary lines between Georgia and North Carolina and between Georgia  
24 and Tennessee, and to take such further or other action or pursue such remedy or remedies  
25 as the joint Commission of the Georgia General Assembly, by a majority vote, deems proper  
26 to establish the definite and true boundary lines between Georgia and North Carolina and  
27 Georgia and Tennessee; and

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

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

3 WHEREAS, it is to the public interest and welfare that accurate and exact lines between the  
4 said states be established and proclaimed.

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

9 BE IT FURTHER RESOLVED that there is hereby created the Georgia-North Carolina and  
10 Georgia-Tennessee Boundary Line Commission to meet with similar commissions of the  
11 General Assemblies of the States of North Carolina and Tennessee to establish, survey, and  
12 proclaim the true boundary lines between Georgia and North Carolina and between Georgia  
13 and Tennessee, and to take such further or other action or pursue such remedy or remedies  
14 as the joint commission of the Georgia General Assembly, by a majority vote, deems proper  
15 to establish the definite and true boundary lines between Georgia and North Carolina and  
16 Georgia and Tennessee. The commission shall be composed of three members of the House  
17 of Representatives, to be appointed by the Speaker of the House of Representatives, and three  
18 members of the Senate, to be appointed by the President of the Senate. The Speaker of the  
19 House and the President of the Senate shall designate one of their respective appointees as  
20 co-chairperson, and the co-chairpersons shall jointly call the organizational meeting of the  
21 commission.

22 BE IT FURTHER RESOLVED that, in order to effectively carry out its duties and  
23 responsibilities, said commission may employ consultants and contract with persons, firms,  
24 or corporations to provide research and other assistance as the commission deems proper and  
25 necessary; provided, however, that the amount of any funds proposed to be spent for such  
26 services shall first be approved, in writing, by the Speaker of the House of Representatives  
27 and President of the Senate.

28 BE IT FURTHER RESOLVED that each member of such commission shall receive the  
29 expenses and allowances provided by law for legislative members of interim legislative  
30 committees for each meeting of the commission or subcommittees thereof attended by each  
31 such member, but shall receive the same for not more than 15 days, unless additional days  
32 are authorized by the Speaker of the House of Representatives and the President of the

1 Senate. All funds necessary to carry out the provisions of this resolution shall come from  
2 funds appropriated or otherwise available to the legislative branch of government.

3 BE IT FURTHER RESOLVED that the commission shall issue a report of its findings, work  
4 and meetings with similar commissions from North Carolina and Tennessee, and shall report  
5 the resolution of any boundary line questions or recommendations to the 2009 regular session  
6 of the General Assembly of Georgia. Said commission shall stand abolished as of the day  
7 on which the General Assembly convenes in regular session in 2009.