

House Resolution 132

By: Representatives Momtahan of the 17th, Horner of the 3rd, Ridley of the 6th, Cameron of the 1st, and Chastain of the 7th

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 thirty-fifth parallel, north of the southernmost
- 5 bank of the Tennessee River; and

- 6 WHEREAS, a flawed survey conducted in 1818 and never accepted by the State of Georgia
- 7 erroneously marks the thirty-fifth 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 April 10, 1971 (Ga. L. 1971, p. 791), 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 nine members.

68 (B) The Governor shall appoint three citizens of Georgia as members of the
69 commission, one of whom the Governor shall designate as chairperson of the
70 commission;

71 (C) The President of the Senate shall appoint three members of the Senate as members
72 of the commission.

73 (D) The Speaker of the House of Representatives shall appoint three members of the
74 House of Representatives as members of the commission.

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

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

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

86 (A) The legislative members of the commission shall receive the allowances provided
87 for in Code Section 28-1-8 of the Official Code of Georgia Annotated. The allowances
88 authorized by this resolution shall not be received by any member of the commission
89 for more than 15 days unless additional days are authorized. Funds necessary to carry
90 out the provisions of this resolution shall come from funds appropriated to the Senate
91 and the House of Representatives.

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

98 **(6) Report.**

99 (A) The commission shall issue a report of its findings and work and shall report the
100 resolution of any boundary line questions or recommendations. The chairpersons shall
101 file a report of the same prior to the date of abolishment specified in this resolution,
102 subject 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 cochairperson 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 chairperson may file with the Secretary
112 of the Senate and the Clerk of the House of Representatives copies of the minutes of the
113 meetings of the commission in lieu thereof.

114 (7) **Abolishment.** The commission shall stand abolished on December 1, 2026.