House Resolution 51 (AS PASSED HOUSE AND SENATE)
By: Representatives Morris of the 26th, Jones of the 47th, Kelley of the 16th, Clark of the 98th,
Burns of the 159th, 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; 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
to meet with an assembly committee representing the State of Tennessee, whose duty it
would be to survey, establish, and proclaim the true boundary line; and

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

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

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

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

WHEREAS, by suggestion of the United States Court of Appeals for the D.C. Circuit, the
Chairman of the Tennessee Public Service Commission and the Chairman of the Georgia
Public Service Commission agreed in 1974 to reserve resolution of the general boundary
issue until a later date (15 FERC, p. 61240), the resolution of which has never been reached;
and
WHEREAS, notwithstanding these authorizations and directions, the boundary lines have never been accurately resurveyed and marked and remain in doubt; and

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

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

BE IT FURTHER RESOLVED that:

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

(2) Members and officers.
   (A) The commission shall be composed of six members.
   (B) The President of the Senate shall appoint three members of the Senate as members of the commission and shall designate one of such members as cochairperson.
   (C) The Speaker of the House of Representatives shall appoint three members of the House of Representatives as members of the commission and shall designate one of such members as cochairperson.

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

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

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

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

(6) **Report.**

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

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

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

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

(7) **Abolishment.** The commission shall stand abolished on December 1, 2020.