

## **House Concurrent Resolution No. 5016**

By Committee on Federal and State Affairs

3-20

1 A CONCURRENT RESOLUTION urging the Kansas Attorney General  
2 to join the efforts of other states to uphold the Constitution of the  
3 United States of America, the founding principles of Separation of  
4 Powers and the Appointments Clause and hold Elon Musk accountable  
5 for unlawful executive action.

6  
7 WHEREAS, The Constitution of the United States of America provides  
8 legislative powers to a Congress, consisting of a Senate and a House  
9 of Representatives, a guiding principle that has withstood centuries  
10 since our nation's founding; and

11 WHEREAS, The Constitution of the United States of America states that  
12 the President "shall nominate, and by and with the Advice and  
13 Consent of the Senate, shall appoint Ambassadors, other public  
14 Ministers and Consuls, Judges of the supreme Court, and all other  
15 Officers of the United States, whose Appointments are not herein  
16 otherwise provided for, and which shall be established by Law: but the  
17 Congress may by Law vest the Appointment of such inferior Officers,  
18 as they think proper, in the President alone, in the Courts of Law, or in  
19 the Heads of Departments"; and

20 WHEREAS, On January 20, 2025, President Trump issued an executive  
21 order renaming the United States Digital Services to the United States  
22 Department of Government Efficiency and granted the agency  
23 expansive powers; and

24 WHEREAS, Since January 2025, Elon Musk, without Senate  
25 confirmation or legal appointment, has continued to exercise  
26 unprecedented executive authority by eliminating or reducing the size  
27 of federal agencies, terminating or placing federal employees on leave,  
28 canceling, freezing or pausing federal contracts, grants and other  
29 federal funding, obtaining access to, use of or making changes to  
30 federal databases and data systems and accessing confidential and  
31 classified information; and

32 WHEREAS, Without lawful appointment to an executive position that  
33 requires Senate confirmation, Musk has violated the Appointments  
34 Clause, and therefore, actions taken by Musk are unconstitutional; and

35 WHEREAS, President Trump has unilaterally vested executive powers  
36 not checked by the legislative branch of government—a founding

1 principle of Separation of Powers—to Musk, an unelected individual;  
2 and

3 WHEREAS, On February 13, 2025, the attorney generals of New Mexico  
4 and 13 other states have stepped up to seek a judicial declaration that  
5 Musk's role and actions are unconstitutional, Musk should be  
6 prevented from issuing orders through federal agencies and all  
7 previous actions by Musk shall be rendered null and void; and

8 WHEREAS, It is in the interest of the state of Kansas and all Kansans  
9 that all actions taken at the level of federal government shall be held  
10 constitutional; and

11 WHEREAS, Therefore, Kansas needs to make it clear that we stand  
12 united with the other states in our nation in support of holding such  
13 actions accountable and upholding the Constitution: Now Therefore,  
14 Be it resolved by the House of Representatives of the State of Kansas, the  
15 Senate concurring therein: That the legislature strongly urges the  
16 Kansas Attorney General to join the efforts of other states to uphold  
17 the Constitution of the United States of America, the founding  
18 principles of Separation of Powers and the Appointments Clause and  
19 hold Elon Musk accountable for unlawful executive action.  
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