

HR0002S01 compared with HR0002

~~{deleted text}~~ shows text that was in HR0002 but was deleted in HR0002S01.

inserted text shows text that was not in HR0002 but was inserted into HR0002S01.

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Representative James A. Dunnigan proposes the following substitute bill:

HOUSE RULES RESOLUTION ~~{}~~ AMENDMENTS TO HOUSE RULES

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This rules resolution modifies House rules.

Highlighted Provisions:

This resolution:

- ▶ defines terms;
- ▶ clarifies the number of votes required to adopt, amend, or suspend House rules;
- ▶ modifies a provision related to news media access to certain areas of the House;
- ▶ requires the committee chair's permission before news media may enter the area behind the dais in a committee room;
- ▶ eliminates the House Rules Committee's ability to recommend that a nonbinding resolution be placed on the consent calendar;
- ▶ prohibits a standing committee from considering legislation if a legislative sponsor

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is not present:

- ▶ modifies who is permitted on the House floor:
- ▶ modifies who may assist a representative sponsoring legislation while the legislation is being debated by the House;
- ▶ clarifies the process by which legislation is reassigned from a standing committee:
- ▶ for legislation on the concurrence calendar, clarifies when a motion to reconsider the final vote is in order;
- ▶ provides the voting requirements for a motion to circle legislation and a motion to uncircle legislation;
- ▶ clarifies the number of votes required for a motion to pass; and
- ▶ makes technical and conforming changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

HR1-1-101

HR2-4-101

HR2-4-101.2

HR3-1-102

HR3-2-101

HR3-2-305

HR3-2-306

HR4-1-101

HR4-3-102

HR4-4-401

HR4-6-202

HR4-7-102

ENACTS:

HR1-9-102

RENUMBERS AND AMENDS:

HR1-9-101, (Renumbered from HR2-4-105)

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Be it resolved by the House of Representatives of the state of Utah:

Section 1. **HR1-1-101** is amended to read:

HR1-1-101. Adoption, amendment, or suspension of House Rules.

(1) The House of Representatives shall adopt House rules, by a constitutional two-thirds vote, at the beginning of each new Legislature convening in odd-numbered years.

(2) Except as provided in this rule:

(a) (i) during an annual general session held in an even-numbered year, rules adopted by the House of Representatives during the immediately preceding general session, as amended during that general session and any intervening session, apply to the conduct of the House; and

(ii) during any special session, House rules apply as provided in JR2-1-101.

(b) for a session described in this Subsection (2), the chief clerk shall announce to the House that the previously adopted rules apply to the newly convened session.

(3) (a) Except as otherwise provided in [Subsection (4)] this Subsection (3), additional rules may be adopted and existing rules may be suspended, amended, or repealed by a majority vote[~~, except the following, which~~].

(b) The following rules require a two-thirds vote to [adopt, suspend, amend, or repeal] suspend:

~~[(a)]~~ (i) rules governing limitation of debate;

~~[(b)]~~ (ii) rules governing a motion to end debate (call the previous question);

~~[(c)]~~ (iii) rules governing motions for lifting tabled legislation from committee;

~~[(d)]~~ (iv) rules governing consideration or reconsideration of legislation during the last three days of a session; [and]

~~[(e)]~~ (v) rules governing voting in Title 4, Chapter 7, Voting; and

(vi) rules that include a two-thirds voting requirement.

~~[(4) (a) A rule that includes a voting requirement of more than a constitutional majority must be adopted and may only be amended, suspended, or repealed by a constitutional two-thirds vote of all representatives.]~~

(c) A rule that includes a constitutional majority voting requirement may only be suspended by a constitutional majority vote.

(d) A rule that includes a constitutional two-thirds voting requirement may only be

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suspended by a constitutional two-thirds vote.

~~[(b)]~~ (e) If the suspension of any House rule is governed by the Utah Constitution or Utah statutes, the House may suspend that rule only as provided by that constitutional or statutory provision.

~~[(5)]~~ (4) If a motion to adopt the rules under Subsection (1) meets or exceeds a majority vote but fails to reach a constitutional two-thirds vote:

(a) rules adopted by the House of Representatives during the immediately preceding general session, as amended during that general session and any intervening session, apply to the conduct of the House; and

(b) the chief clerk shall announce to the House that the previously adopted rules apply to the newly convened Legislature.

Section 2. **HR1-9-101**, which is renumbered from Section HR2-4-105 is renumbered and amended to read:

CHAPTER 9. NEWS MEDIA

~~[HR2-4-105].~~ **HR1-9-101. News media -- House chamber and designated House areas.**

~~[(1)(a) News media with {} House press credentials shall {} a Utah Capitol media credential may, with the permission of the speaker or the speaker's designee,} be admitted to the House chamber, halls, and committee rooms.]~~

(1) (a) News media may access non-public areas of the House, including the chamber, halls, and conference rooms, if the news media:

(i) have permission from the speaker or the speaker's designee; and

(ii) hold a Utah Capitol media credential.

(b) While the House is convened in the House [~~chambers~~] chamber, news media shall remain in the area designated for the news media and may not enter the floor of the House, the circle, lounge, or the speaker's dais.

(2) (a) With permission of the speaker or the speaker's designee, the news media may conduct and record interviews in the House lounge, halls, available committee rooms, or in the House chamber or gallery.

(b) When conducting an interview in the House chamber, the news media may enter the chamber for the purpose of conducting a specific interview and shall exit the chamber

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promptly after completing the interview.

(3) A representative may not hold a press conference in the House chamber without the permission of the speaker of the House.

(4) News media shall also comply with the other provisions in HR2-4-102 and HR2-4-103.

(5) The sergeant-at-arms, under the direction of the speaker, shall enforce the requirements of this rule.

Section 3. **HR1-9-102** is enacted to read:

HR1-9-102. News media access -- House committees.

When present for a meeting of a House standing committee or any other special committee of the House, news media may not enter the area behind the dais without the permission of the committee chair.

Section 4. **HR2-4-101** is amended to read:

HR2-4-101. Definitions.

As used in this chapter:

(1) "Department head" means the same as that term is defined in Utah Code Section 63A-17-807 or a department head's designee.

~~(1)~~ (2) "Former legislator" means a person who is not a current member of the Legislature, but who served in the Utah House or Utah Senate at one time.

~~(2)~~ (3) (a) "Guest" means an individual who is afforded access to the House space under a provision of this chapter, who is not an individual described in Subsection ~~(2)~~ (3)(c) or a special guest as described under HR2-4-101.2(5).

(b) "Guest" includes:

(i) the governor, the lieutenant governor, the state attorney general, the state treasurer, the state auditor, and governor's staff; and

(ii) a former legislator who is an individual described in Subsection ~~(2)~~ (3)(b)(i).

(c) "Guest" does not mean a legislator, a member of House or Senate staff, a member of professional legislative staff, a House intern, or a lobbyist.

~~(3)~~ (4) "House conference rooms" means one of the conference rooms adjacent to the House lounge, speaker's office, or the majority caucus room.

~~(4)~~ (5) "House halls" means the passageways that allow access to:

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- (a) the House chamber;
- (b) the House lounge;
- (c) the House offices; or
- (d) any other nonpublic areas adjoining the House chamber.

~~(5)~~ (6) "House intern" means an individual who is:

- (a) an official participant in the student intern program sponsored by the Utah

Legislature and administered by the Office of Legislative Research and General Counsel; and

- (b) is assigned to a representative.

~~(6)~~ (7) "House offices" means:

- (a) Representatives' offices adjacent to the House chamber;
- (b) Representatives' offices on the third and fourth floors of the capitol building;
- (c) Representatives' offices in the House building; and
- (d) kitchens, restrooms, elevators, and any auxiliary rooms in the nonpublic areas

connected with the offices listed above.

~~(7)~~ (8) "House or Senate staff" means an individual who is employed directly by the House or Senate.

~~(8)~~ (9) (a) "House space" means the House chamber, House lounge, House offices, House halls, and House conference rooms.

(b) "House space" does not mean the common public space outside the House chamber.

~~(9)~~ (10) "Immediate family" means any parent, spouse, child, grandparent, grandchild, great-grandparent, great-grandchild, sibling, aunt, uncle, niece, or nephew of a member of the House, provided that the individual is not a lobbyist.

~~(10)~~ (11) "Lobbying" means communicating with a legislator for the purpose of influencing the passage, defeat, amendment, or postponement of legislative action.

~~(11)~~ (12) "Lobbyist" means an individual who is required to register as a lobbyist by Utah Code Section 36-11-103.

~~(12)~~ (13) "Professional legislative staff" means an individual employed by one of the Legislature's profession-based staff offices, namely the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor General, or the Office of Legislative Printing.

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Section 5. **HR2-4-101.2** is amended to read:

HR2-4-101.2. Admittance to House floor -- Prohibition against lobbying.

~~[(1) Except as otherwise provided in this rule, while the House is convened in annual general session or special session, only the following individuals are permitted on the House floor:]~~

~~[(a) a legislator;]~~

~~[(b) a member of House or Senate staff;]~~

~~[(c) a member of professional legislative staff;]~~

~~[(d) a House intern; and]~~

~~[(e) a former legislator who is not:]~~

~~[(i) a lobbyist; or]~~

~~[(ii) the governor, lieutenant governor, state attorney general, state treasurer, or state auditor.]~~

(1) Subject to the requirements of this rule, while the House is convened in annual general session or special session, only the following individuals are permitted on the House floor:

(a) a legislator;

(b) a member of House or Senate staff;

(c) a member of professional legislative staff;

(d) a House intern;

(e) a former legislator who is not:

(i) a lobbyist; or

(ii) the governor, lieutenant governor, state attorney general, state treasurer, or state

auditor;

(f) a guest; and

(g) a department head.

(2) (a) While the House is convened in annual general session or special session, a representative may invite one guest who is not a lobbyist to accompany the representative on the House floor, provided that:

(i) the guest sits next to the representative;

(ii) the representative ensures that the guest does not impede staff work, distract from

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the work of the House, or encroach on a neighboring representative's desk;

(iii) the guest complies with the requirements of this rule, HR2-4-102, and HR2-4-103;

and

(iv) no representative objects.

(b) A representative may have no more than one guest on the House floor at any one time.

~~[(3) A lobbyist, a guest, A guest or an individual described in Subsection (1)(e) is prohibited from lobbying on the House floor.]~~

(c) An individual described in Subsections (1)(e) through (g) is prohibited from lobbying on the House floor.

~~[(4)(a) Except as provided in this Subsection (4), a]~~

~~(4)3) While the House is convened in annual general session or special session, a lobbyist is not permitted on the House floor.~~

~~[(b) A representative sponsoring a piece of legislation being debated by the House may invite one lobbyist with expertise on the legislation being considered to be present on the House floor during the presentation and debate on the legislation, if:]~~

~~[(i) the representative informs the sergeant-at-arms that the lobbyist is present on the House floor;]~~

~~[(ii) the representative ensures that the lobbyist is seated on a bench on the House floor during the presentation and debate on the legislation;]~~

~~[(iii) the representative ensures that the lobbyist does not engage in lobbying on the House floor; and]~~

~~[(iv) the lobbyist leaves the House floor when the House moves to another item of business.]~~

~~[(c) If the representative sponsoring the legislation needs the assistance of the lobbyist during the course of debate on the legislation, the representative may request permission of the speaker to have the lobbyist approach the representative sponsoring the legislation to provide the needed information to the representative.]~~

~~(5)4) The speaker or the speaker's designee may authorize special guests to be present in the House chamber or on the House floor.~~

(6)5) (a) A representative sponsoring a piece of legislation being debated by the

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House may, with the permission of the speaker, invite one department head with expertise on the legislation to assist the sponsor during the course of debate.

(b) A representative who invites a department head to assist the representative under Subsection ~~(6+5)~~(a) shall ensure that the department head:

- (i) does not engage in lobbying while on the House floor; and
- (ii) promptly exits the House floor when the House moves to another item of business.

Section 6. **HR3-1-102** is amended to read:

HR3-1-102. House Rules Committee -- Assignment duties.

(1) The presiding officer shall submit all legislation introduced in the House of Representatives to the House Rules Committee.

(2) For all legislation not specified in HR3-1-103 that is referred to the House Rules Committee, the committee shall examine the legislation referred to it for proper form, including fiscal note and committee note, if any, and either:

(a) refer the legislation to the House with a recommendation that the legislation be:

(i) referred to a standing committee for consideration; or

(ii) read the second time and placed on the third reading calendar if the legislation:

(A) [~~the bill~~] has received a favorable recommendation from a House standing committee;

(B) [~~the bill~~] is exempted from the House standing committee review requirements under HR3-2-401;

(C) [~~the bill~~] has received a favorable recommendation from the House Rules Committee meeting as a standing committee as permitted under HR3-1-101; or

~~[(D) if the legislation is a nonbinding resolution as defined in HR3-2-405, read the second time and placed on the consent calendar; or]~~

~~[(E)]~~ (D) [~~the legislation~~] was approved by a unanimous vote of the members present at an interim committee meeting and met the posting requirements of JR7-1-602.5; or

(b) hold the legislation.

(3) If the chair of the House Rules Committee receives a summary report from the Occupational and Professional Licensure Review Committee related to newly regulating an occupation or profession within the two calendar years immediately preceding the session in which a piece of legislation is introduced related to the regulation by the Division of

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Occupational and Professional Licensing of that occupation or profession:

(a) the chair of the House Rules Committee shall ensure that the House Rules Committee is informed of the summary report before the House Rules Committee takes action on the legislation; and

(b) if the House Rules Committee refers the legislation to the House as provided for in Subsection (2)(a):

(i) the Office of Legislative Research and General Counsel shall make the summary report reasonably available to the public and to legislators; and

(ii) if the legislation is referred to a standing committee, the House Rules Committee shall forward the summary report to the standing committee.

(4) In carrying out [~~its~~] the House Rules Committee's functions and responsibilities under this rule, the [~~House Rules Committee~~] committee may not:

(a) table legislation without the written consent of the sponsor;

(b) report out any legislation that has been tabled by a standing committee;

(c) amend legislation without the written consent of the sponsor; or

(d) substitute legislation without the written consent of the sponsor.

(5) The House Rules Committee may recommend a time certain for floor consideration of any legislation when it is reported out of the House Rules Committee, or at any other time.

(6) When the [~~committee~~] House Rules Committee is carrying out [~~its~~] the committee's functions and responsibilities under this rule, the committee shall:

(a) when the Legislature is in session, give notice of [~~its~~] the committee's meetings according to the requirements of HR3-1-106;

(b) when the Legislature is not in session, post a notice of meeting at least 24 hours before the meeting convenes;

(c) have as [~~its~~] the committee's agenda all legislation in [~~its~~] the committee's possession for assignment to committee or to the House calendars; and

(d) prepare minutes that include a record, by individual representative, of votes taken.

(7) House Rules Committee meetings are open to the public, but comments and discussion are limited to members of the committee and the committee's staff.

Section 7. ~~{HR4-1-101}~~ HR3-2-101 is amended to read:

HR3-2-101. Definitions.

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As used in this chapter:

(1) "Chair" means:

(a) the chair of a standing committee; or

(b) a standing committee member who is authorized to act as chair under HR3-2-202.

(2) "Committee" means a standing committee created under HR3-2-201.

(3) "Dispose of legislation" refers to a committee action that transfers ownership of legislation to the House Rules Committee, to another standing committee, or to the House floor.

(4) "Favorable recommendation" refers to a committee action that transfers ownership of legislation to the House second reading calendar.

(5) "Legislation" means a Senate bill, House bill, Senate resolution, House resolution, joint resolution, or concurrent resolution.

(6) "Legislative sponsor" means:

(a) the chief sponsor; or

(b) the legislator designated by the chief sponsor to be the opposite chamber floor sponsor.

~~[(6)]~~ (7) "Majority vote" means a majority of a quorum as provided in HR3-2-203.

~~[(7)]~~ (8) "Original motion" means a non-privileged motion that is accepted by the chair when no other motion is pending.

~~[(8)]~~ (9) "Pending motion" refers to a motion starting when a chair accepts a motion and ending when the motion is withdrawn or when the chair calls for a vote on the motion.

~~[(9)]~~ (10) (a) "Privileged motion" means a procedural motion to adjourn, set a time to adjourn, recess, end debate, extend debate, or limit debate.

(b) Privileged motions are not substitute motions.

~~[(10)]~~ (11) "Substitute motion" means a non-privileged motion that is made when an original motion is pending.

~~[(11)]~~ (12) "Under consideration" means the time starting when a chair opens a discussion on a subject or piece of legislation that is listed on a committee agenda and ending when the committee disposes of the legislation, moves on to another item on the agenda, or adjourns.

Section 8. HR3-2-305 is amended to read:

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HR3-2-305. Four phases when considering legislation.

(1) Legislation under consideration by a standing committee is subject to four distinct phases during a committee meeting:

~~[(1)]~~ (a) the sponsor's presentation as provided in HR3-2-306;

~~[(2)]~~ (b) clarifying questions as provided in HR3-2-307;

~~[(3)]~~ (c) public comment as provided in HR3-2-308; and

~~[(4)]~~ (d) committee action as provided in HR3-2-309.

(2) A standing committee may not consider legislation unless the legislative sponsor is present.

Section 9. HR3-2-306 is amended to read:

HR3-2-306. Sponsor presentation.

(1) Except as provided in Subsection (2), during the presentation phase, a committee member may not amend legislation, substitute legislation, or dispose of legislation. All other motions are in order during the presentation phase.

(2) During the presentation phase of a committee meeting, the chair may accept a simple motion to amend legislation if the chair permits:

(a) committee questions and debate;

(b) public comment as provided in HR3-2-308;

(c) the sponsor of the legislation affected by the amendment to respond to the motion to amend; and

(d) the committee member who made the motion to amend to have the final word on the motion as required under HR3-2-313.

(3) During the presentation phase of a standing committee meeting, the chair shall:

(a) permit the ~~[chief sponsor or the legislator designated by the chief sponsor to be the floor sponsor in the opposite house]~~ legislative sponsor to present the ~~[chief]~~ sponsor's legislation; and

(b) except as provided in Subsection (4), and at the election of [a] the legislative sponsor, permit persons who have expertise on the legislation to assist with the presentation as provided in HR3-2-304.

(4) The chair may not permit~~[(a) legislation to be presented if the legislative sponsor is not present; or (b) legislative interns or legislative aides]~~ a legislative intern or a legislative

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aide to present legislation.

Section 10. HR4-1-101 is amended to read:

HR4-1-101. Definitions.

As used in this title:

(1) "Appropriations bill" means a bill that appropriates money and makes no change to statute.

(2) "Constitutional majority vote" means [~~that the matter requires at least 38 votes to pass on the House floor~~] an affirmative vote of at least 38 members.

(3) "Constitutional two-thirds vote" means [~~that the matter requires at least 50 votes to pass on the House floor~~] an affirmative vote of at least 50 members.

(4) "Majority vote" means [~~that the matter requires the votes of at least a majority of a quorum to pass on the House floor~~], while a quorum is present, an affirmative vote of a majority of the members present.

(5) "Two-thirds vote" means [~~that the matter requires the vote of at least two-thirds of a quorum to pass on the House floor~~], while a quorum is present, an affirmative vote of at least two-thirds of the members present.

(6) "Point of order" means a question raised by a representative about whether or not there has been a breach of order, a breach of rules, or a breach of established parliamentary practice.

(7) "Presiding officer" means the person presiding over the Utah House of Representatives and includes:

- (a) the speaker;
- (b) the speaker pro tempore; and
- (c) any representative presiding under HR1-3-103.

(8) "Quorum" means that at least 38 members of the House of Representatives are present.

Section ~~{8}~~11. ~~{HR4-6-202}~~HR4-3-102 is amended to read:

HR4-3-102. Reassigning legislation assigned to a standing committee.

(1) Legislation that has been assigned to a standing committee may be [assigned] reassigned to the Rules committee or a different standing committee by:

~~{1}~~ (a) the presiding officer, subject to Subsection (2);

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[(2)] (b) the House of Representatives by majority vote upon motion from the floor; or

[(3)] (c) the House of Representatives by majority vote if the committee to which the legislation was assigned recommends in [its committee] the committee's report that the legislation be [returned to the House Rules Committee] reassigned to a different committee.

(2) Before the presiding officer reassigns legislation under Subsection (1)(a), the presiding officer shall announce on the floor the committee to which the presiding officer intends to reassign the legislation.

Section 12. HR4-4-401 is amended to read:

HR4-4-401. Concurrence calendar.

(1) After the chief clerk or the chief clerk's designee reads the transmittal letter from the Senate informing the House that the Senate has amended a piece of House legislation, the presiding officer shall place the legislation on the concurrence calendar.

(2) (a) During the first 43 days of the annual general session, the legislation shall remain on the concurrence calendar for at least one legislative day before the House may consider the question of concurrence.

(b) During the last two days of the annual general session, and during any special session, the House may consider legislation for concurrence after the House has been given a reasonable time to review the Senate amendments.

(3) (a) When presenting legislation to the House for concurrence, the presiding officer shall ask the sponsor of the legislation for a motion.

(b) The sponsor of the legislation may move to either:

(i) concur with the Senate amendments; or

(ii) refuse to concur with the Senate amendments and ask the Senate to recede from [their] its amendments.

(4) (a) If a motion to concur with the Senate amendments passes by majority vote, the presiding officer shall open the vote on final passage of the legislation.

(b) (i) If a motion to concur with the Senate amendments passes by a majority vote but the legislation fails to pass the final vote:

[(i)] (A) except as provided in Subsection (4)(b)(ii), a motion to reconsider the final vote on the legislation is in order; and

[(ii)] (B) if a motion to reconsider the final vote on the legislation is successful, the

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legislation shall be placed on the concurrence calendar and a motion to reconsider the vote to concur with the Senate amendments is in order.

(ii) As provided in HR4-9-103(4)(c), the House may not reconsider legislation under this Subsection (4) if the House previously voted to reconsider a final vote on the legislation.

(c) If a motion to concur with the Senate amendments fails, a motion to refuse to concur with the Senate amendments and ask the Senate to recede from its amendments is in order.

(5) If a motion to refuse to concur with the Senate amendments and ask the Senate to recede from its amendments passes by a majority vote:

(a) the chief clerk shall return the legislation to the Senate for its further action; and

(b) if the Senate refuses to recede, the Senate and House shall follow the procedures and requirements of [JR3-2-60+] JR3-2-901 relating to the appointment of a conference committee.

Section 13. HR4-6-202 is amended to read:

HR4-6-202. Motion to circle.

(1) A motion to circle legislation holds the legislation in place on the calendar.

(2) (a) A motion to circle preserves all amendments to the legislation already adopted by the House.

(b) A motion to circle extinguishes all amendments pending at the time that the motion is made.

(3) Legislation that has been circled may only be uncircled by [the]:

(a) the chief House sponsor of the legislation; or

(b) the representative designated by the chief Senate sponsor to be the House floor sponsor of the legislation.

(4) When a motion to uncircle is made:

(a) amendments already adopted by the House are part of the legislation; and

(b) any pending motions to amend at the time the legislation was circled are extinguished and a new motion to amend must be made in order to revive them.

(5) A motion to circle and a motion to uncircle require a majority vote to pass.

Section ~~9~~14. HR4-7-102 is amended to read:

HR4-7-102. Number of votes required for passage.

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~~[(1)]~~ Unless otherwise specified in these rules:

~~[(a)]~~ (1) each piece of legislation requires a constitutional majority vote -- 38 votes -- to pass;

~~[(b)]~~ (2) amendments to the Utah Constitution, legislation that is intended to take effect earlier than 60 days after adjournment of the session in which it passes, amendments to court rules, and certain motions specified in these rules require a constitutional two-thirds vote -- 50 votes -- to pass; and

~~[(c)]~~ certain motions require a two-thirds vote -- two-thirds of those present -- to pass; and]

~~[(d)]~~ other motions require a majority vote -- a majority of those present -- to pass:]

(3) a motion requires a majority vote to pass.

~~[(2)]~~ The House may only suspend a rule requiring that a motion must receive a two-thirds vote or a constitutional two-thirds vote to pass by a two-thirds vote:]