

Bill Prefiling

Legislatures use a variety of mechanisms to expedite their legislative processes—one of which is bill prefiling. The prefiling process allows bills to be prepared and introduced before regular session convenes. It increases the efficiency of the legislative process in several ways:

- Legislative staff have more time to draft legislation.
- The paperwork that is necessary for a bill's official introduction—for example, gathering sponsor signatures—can be completed early.
- Presiding officers have more time to consider to which committee a bill will be referred.
- Committees may establish agendas before the first week of session and begin work immediately when session convenes.

Prefiling processes. The vast majority of legislatures use bill prefiling (see table 02-3.28). In fact, only 13 legislative assemblies reported that the prefiling of bills was not allowed. Legislatures vary the ways in which their prefiling processes are set up, however.

Most legislative assemblies allow bill prefiling every year (see table 02-3.29). In 14 legislative bodies, however, the procedures for prefiling used prior to the first year of the biennium differ from the ones used before the second year (see table 02-3.30).

Some legislative bodies limit when prefiling may be used. Twenty-three chambers permit prefiling only before the first year of a biennium. On the other hand, the Hawaii Senate and House, Minnesota Senate and House, West Virginia Senate and American Samoa House allow the early submission of bills prior to the second year of a biennium. As shown in table 02-3.31, legislatures also may set specific time frames within which prefiling is open. For example, in Arizona, legislators may prefile bills from November 15 in an odd-numbered year until the first day of regular session in the subsequent even-numbered year. According to Missouri House rules, prefiling may occur between December 1 and the day before a regular session begins. In Minnesota, prefiling is open during the period between the last day of the session in any odd-numbered year and the first day of the session in the following year. By Washington Senate rule, "Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature."

Chambers may limit who is allowed to prefile legislation (see table 02-3.32). Current members typically have the ability to submit bills early. Many legislatures extend the privilege to former members who have been reelected and to newly elected members. Twenty legislative assemblies also allow committees to prefile bills. Occasionally, non-legislative individuals or groups may prefile legislation. For example, executive branch agencies in Iowa, North Dakota and Oregon have this ability. The privilege also is extended to the Iowa governor; the North Dakota Supreme Court; and the Oregon secretary of state, state treasurer, attorney general, labor commissioner and superintendent of public instruction.

Nine chambers indicated that they limit the number of bills that a member may prefile (see table 02-3.33). For example, the limit in the Alaska Senate and House and New Jersey Senate is 10 bills. In the Oklahoma Senate, it is eight bills. Prior to the first year of the biennium, Wyoming

senators may prefile seven bills, but the limit is reduced to three for the second year. The cap in the Florida House is six bills, and in the Colorado House, it is five.

What happens to a bill after it is prefiled? Most commonly, the bill is numbered. In many chambers, it also is referred to a committee. Twenty legislative bodies allow committees to hear prefiled bills, and 12 chambers permit their committees to vote on these bills (see table 02-3.34). Fifteen legislative assemblies will place prefiled bills onto a floor calendar. Prefiled bills often must be formally introduced when the regular session convenes; table 02-3.35 indicates in which chambers this is true.

Use of prefiling. The use of prefiling in the past five years has remained fairly constant in most chambers (see table 02-3.36). Only 14 chambers have experienced an increase in prefiling.

Table 02-3.37 illustrates that legislators often do not make sufficient use of their ability to prefile legislation. For example, the number of bills prefiled was 10 percent or less in 30 chambers in 1999 and 24 chambers in 2000. In fact, the New Mexico House and Ohio Senate had no bills prefiled in either year.

Table 02-3.28 Bill Prefiling Is Allowed**The following chambers allow bills to be prefiled.**

Alabama Senate and House	Montana Senate and House
Alaska Senate and House	Nebraska Senate
Arizona Senate and House	Nevada Senate and Assembly
Arkansas Senate and House	New Hampshire House
Colorado House	New Jersey Senate
Connecticut Senate	New Mexico House
Delaware House	North Dakota Senate and House
Florida Senate and House	Ohio Senate
Georgia Senate and House	Oklahoma Senate and House
Hawaii Senate and House	Oregon Senate
Idaho House	Pennsylvania Senate and House
Illinois Senate and House	Rhode Island Senate
Iowa Senate and House	South Dakota Senate and House
Kansas Senate and House	Tennessee Senate
Kentucky Senate and House	Texas Senate and House
Louisiana Senate and House	Utah Senate and House
Maine Senate and House	Vermont Senate
Maryland Senate	Virginia Senate and House
Massachusetts Senate and House	Washington Senate and House
Minnesota Senate and House	West Virginia Senate and House
Mississippi House	Wyoming Senate and House
Missouri Senate and House	American Samoa House

In the following chambers, prefiling of bills is not allowed.

California Senate and Assembly	North Carolina House
Idaho Senate	Ohio House
Indiana House	Vermont House
Michigan Senate and House	Wisconsin Senate and Assembly
New Mexico Senate	Puerto Rico House

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-3.29 When Prefiling Is Allowed

State (1)	Every year	Prior to first year of a biennium only	Prior to second year of a biennium only
Alabama	B		
Alaska	B		
Arizona	B		
Arkansas		B	
California			
Colorado	H		
Connecticut			
Delaware	H		
Florida	B		
Georgia	B		
Hawaii			B
Idaho	H		
Illinois		B	
Indiana			
Iowa	B		
Kansas	B		
Kentucky	B		
Louisiana	B		
Maine	B		
Maryland	S		
Massachusetts		B	
Michigan			
Minnesota			B
Mississippi	H		
Missouri	B		
Montana		B	
Nebraska	S		
Nevada		B	
New Hampshire	H		
New Jersey		S	
New Mexico		H	
New York			
North Carolina			
North Dakota		B	
Ohio		S	
Oklahoma	H	S	
Oregon		S	

Table 02-3.29 When Prefiling Is Allowed, cont'd.

State (1)	Every year	Prior to first year of a biennium only	Prior to second year of a biennium only
Pennsylvania		B	
Rhode Island	S		
South Carolina			
South Dakota	B		
Tennessee	S		
Texas		B	
Utah		B	
Vermont	S		
Virginia	B		
Washington	B		
West Virginia	H		S
Wisconsin			
Wyoming	B		
American Samoa			H
Puerto Rico			

Key:

S=Senate

H=House or Assembly

B=Both chambers

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-3.30 Prefiling Process Varies

In the following chambers, the prefiling process used prior to the first year of the biennium is different than the one used prior to the second year of the biennium.

Arizona Senate and House	New Mexico House
Kansas Senate and House	Oklahoma Senate
Maine House	Utah House
Maryland Senate	Vermont Senate
Minnesota Senate and House	Virginia Senate and House

In the following chambers, the prefiling process does not vary from year to year.

Alabama Senate and House	Mississippi House
Alaska Senate and House	Missouri Senate and House
Arkansas Senate	Montana Senate
Colorado House	New Jersey Senate
Connecticut Senate	North Dakota Senate and House
Delaware House	Oklahoma House
Florida Senate	Rhode Island Senate
Georgia Senate and House	South Dakota Senate and House
Idaho House	Tennessee Senate
Iowa Senate and House	Washington Senate and House
Kentucky Senate and House	West Virginia Senate and House
Louisiana Senate and House	Wyoming Senate and House
Maine Senate	American Samoa House

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-3.31 Specific Time Frame Within Which Prefiling Is Open

State (1)	1 st Year of Biennium		2 nd Year of Biennium	
	Yes	No	Yes	No
Alabama	H	S	H	S
Alaska	B		B	
Arizona	B		B	
Arkansas	B			
California				
Colorado	H		H	
Connecticut		S		S
Delaware		H		H
Florida	S	H	B	
Georgia	B		B	
Hawaii		B	B	
Idaho	H		H	
Illinois	B			
Indiana				
Iowa	B		B	
Kansas	B		B	
Kentucky	B		B	
Louisiana	B		B	
Maine	B		B	
Maryland	S		S	
Massachusetts	B			
Michigan				
Minnesota			B	
Mississippi	H		H	
Missouri	B		B	
Montana	B			
Nebraska		S		S
Nevada	B			
New Hampshire	H		H	
New Jersey	S			
New Mexico	H		H	
New York				
North Carolina				
North Dakota	B			
Ohio		S		
Oklahoma	B		H	
Oregon	S			

Table 02-3.31 Specific Time Frame Within Which Prefiling Is Open, cont'd.

State (1)	1 st Year of Biennium		2 nd Year of Biennium	
	Yes	No	Yes	No
Pennsylvania	B			
Rhode Island	S		S	
South Carolina				
South Dakota	B		B	
Tennessee	S		S	
Texas	B			
Utah	B		B	
Vermont	S		S	
Virginia	B		B	
Washington	B		B	
West Virginia	H		B	
Wisconsin				
Wyoming		B		B
American Samoa		H		H
Puerto Rico				

Key:

- S=Senate
- H=House or Assembly
- B=Both chambers

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-3.32 Who May Prefile a Bill

State (1)	Current members	Former members who are reelected but not sworn in	Newly elected members who are not yet sworn in	Committees	Other
Alabama	B				
Alaska	B	B	B		
Arizona	B	S	B		
Arkansas	S	H	B		
California					
Colorado	H		H	H	
Connecticut	S				
Delaware	H	H	H		
Florida	B			B	
Georgia	S	H	B		
Hawaii	B		S		
Idaho	H	H	H		
Illinois	B				
Indiana					
Iowa	B	B	B	B	2
Kansas	B		B	B	
Kentucky	B		S	H	
Louisiana	B		H		
Maine	B	B	B	H	
Maryland	S				
Massachusetts	S	H	B		
Michigan					
Minnesota	B			H	
Mississippi	H				
Missouri	B	S	B		
Montana	B	B	B		
Nebraska	S			S	
Nevada	B	B	B	S	
New Hampshire	H	H	H		
New Jersey	S	S	S		
New Mexico	H	H	H	H	
New York					
North Carolina					
North Dakota	B				3
Ohio	S		S		
Oklahoma	B				
Oregon	S	S	S	S	4

Table 02-3.32 Who May Prefile a Bill, cont'd.

State (1)	Current members	Former members who are reelected but not sworn in	Newly elected members who are not yet sworn in	Committees	Other
Pennsylvania	S	B	B		
Rhode Island	S		S		
South Carolina					
South Dakota	B			B	
Tennessee	S				
Texas	S	H	H		
Utah	B	S	B		
Vermont	S	S	S		
Virginia	B	B	B		
Washington	B	B	B	S	
West Virginia	B	H	H		
Wisconsin					
Wyoming	B	B	B	B	
American Samoa				H	
Puerto Rico					

Key:

- S=Senate
- H=House or Assembly
- B=Both chambers

Notes:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Iowa: In the Senate, the governor and executive branch departments or agencies also may prefile bills. In the House, executive branch departments or agencies also may prefile bills.
3. North Dakota: In the Senate and House, state agencies and the Supreme Court also may prefile bills.
4. Oregon: In the Senate, executive branch agencies (with the approval of the governor), the secretary of state, the state treasurer, the attorney general, the labor commissioner and the superintendent of public instruction also may prefile bills.

Table 02-3.33 Limit on the Number of Bills That May Be Prefiled

The following chambers limit the number of bills that a member may prefile.	
Alaska Senate and House	Nevada Senate
Colorado House	New Jersey Senate
Connecticut Senate	Oklahoma House
Florida House	Wyoming Senate
The following chambers do not limit the number of bills that a member may prefile.	
Alabama Senate and House	Nebraska Senate
Arizona Senate and House	Nevada Assembly
Arkansas Senate and House	New Hampshire House
Delaware House	New Mexico House
Florida Senate	North Dakota Senate and House
Georgia Senate and House	Ohio Senate
Hawaii Senate and House	Oklahoma Senate
Idaho House	Oregon Senate
Illinois Senate and House	Pennsylvania Senate and House
Iowa Senate and House	Rhode Island Senate
Kansas Senate and House	South Dakota Senate and House
Kentucky Senate and House	Tennessee Senate
Louisiana Senate and House	Texas Senate and House
Maine Senate and House	Utah Senate and House
Maryland Senate	Vermont Senate
Massachusetts Senate and House	Virginia Senate and House
Minnesota Senate and House	Washington Senate and House
Mississippi House	West Virginia Senate and House
Missouri Senate and House	Wyoming House
Montana Senate and House	American Samoa House

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-3.34 What Happens to a Bill After It Is Prefiled

State (1)	It is numbered	It is referred to a committee	It may be heard by the committee	It may be voted upon by the committee	It may be placed on a calendar	Other
Alabama	B	B	S			
Alaska	B					
Arizona	B				S	2
Arkansas	B					
California						
Colorado						3
Connecticut						4
Delaware		H	H	H		
Florida	B	B	B	B	B	
Georgia	B	H	S			
Hawaii	B				S	
Idaho	H					5
Illinois	B					6
Indiana						
Iowa	B	B	S	S	S	
Kansas	B	B				7
Kentucky	B	B	B			
Louisiana	B	B	B			
Maine	B					8
Maryland	S					
Massachusetts	H	H	H	H	H	9
Michigan						
Minnesota	B	B				
Mississippi	H	H	B		H	
Missouri	B					10
Montana	B	B				
Nebraska	S					
Nevada	B	B				11
New Hampshire						
New Jersey	S	S				
New Mexico	H				H	
New York						
North Carolina						
North Dakota	B	B				
Ohio	S					
Oklahoma	B					12
Oregon	S					

Table 02-3.34 What Happens to a Bill After It Is Prefiled, cont'd.

State (1)	It is numbered	It is referred to a committee	It may be heard by the committee	It may be voted upon by the committee	It may be placed on a calendar	Other
Pennsylvania	B	S				
Rhode Island	S	S				
South Carolina						
South Dakota	B	B	B	B	B	
Tennessee	S					
Texas	B					
Utah	B	B	B	B	B	
Vermont	S					
Virginia	B	B	B	B	H	
Washington	B				H	
West Virginia	B					
Wisconsin						
Wyoming	B					
American Samoa	H	H	H	H	H	
Puerto Rico						

Key:

S=Senate

H=House or Assembly

B=Both chambers

Table 02-3.34 What Happens to a Bill After It Is Prefiled, cont'd.

Notes:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Arizona: In the House, a prefiled bill may be placed on a committee agenda after its first reading and assignment to committee.
3. Colorado: In the House, nothing happens to the prefiled bill until it is introduced or first read.
4. Connecticut: No description was provided by the Senate.
5. Idaho: In the House, a prefiled bill is introduced and referred to committee or the second reading calendar on the first day of session.
6. Illinois: In the House, prefiled bills are printed and made available to the public. On the opening day, they are deemed automatically introduced.
7. Kansas: In the Senate, a prefiled bill is printed.
8. Maine: In the House, a prefiled bill is drafted.
9. Massachusetts: In the Senate, a prefiled bill is processed internally for consideration in the next biennium.
10. Missouri: In the Senate, a prefiled bill is printed.
11. Nevada: In the Senate, a prefiled bill is printed, and a history of its status begins.
12. Oklahoma: In the House, prefiled bills are given to the speaker and House majority leader to prepare for committee assignment.

Table 02-3.35 Formal Introduction when Session Convenes

In the following chambers, prefiled bills must be formally introduced when session convenes.	
Alabama House	Nebraska Senate
Alaska Senate and House	Nevada Senate and Assembly
Arizona Senate and House	New Mexico House
Arkansas Senate	North Dakota Senate and House
Colorado House	Ohio Senate
Connecticut Senate	Oklahoma Senate and House
Florida Senate and House	Oregon Senate
Georgia Senate and House	Pennsylvania House
Hawaii Senate and House	South Dakota Senate and House
Idaho House	Tennessee Senate
Illinois Senate	Texas Senate
Iowa Senate and House	Utah Senate and House
Kansas Senate and House	Vermont Senate
Kentucky Senate and House	Washington Senate and House
Louisiana Senate and House	West Virginia Senate and House
Maryland Senate	Wyoming Senate and House
Minnesota Senate and House	American Samoa House
Missouri Senate	
In the following chambers, prefiled bills do not need formal introduction when session convenes.	
Alabama Senate	Montana Senate and House
Arkansas House	New Hampshire House
Delaware House	New Jersey Senate
Illinois House	Pennsylvania Senate
Maine Senate and House	Rhode Island Senate
Massachusetts Senate and House	Texas House
Mississippi House	Virginia Senate and House
Missouri House	

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-3.36 Use of Prefiling in the Past Five Years

State (1)	Increased	Decreased	Remained the same
Alabama	H		S
Alaska		B	
Arizona	B		
Arkansas	S	H	
California			
Colorado			H
Connecticut			S
Delaware			H
Florida			B
Georgia			B
Hawaii	H		S
Idaho		H	
Illinois		S	H
Indiana			
Iowa		S	H
Kansas		H	
Kentucky	H		S
Louisiana			B
Maine			B
Maryland	S		
Massachusetts			B
Michigan			
Minnesota		S	H
Mississippi			H
Missouri		S	
Montana	B		
Nebraska			S
Nevada			B
New Hampshire			H
New Jersey			S
New Mexico			H
New York			
North Carolina			
North Dakota			B
Ohio			S
Oklahoma			B
Oregon	S		

Table 02-3.36 Use of Prefiling in the Past Five Years, cont'd.

State (1)	Increased	Decreased	Remained the same
Pennsylvania			B
Rhode Island			S
South Carolina			
South Dakota			B
Tennessee			S
Texas	S		H
Utah		S	H
Vermont			S
Virginia	B		
Washington		H	S
West Virginia			B
Wisconsin			
Wyoming		B	
American Samoa	H		
Puerto Rico			

Key:

S=Senate

H=House or Assembly

B=Both chambers

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-3.37 Percent of Bills Prefiled in 1999 and 2000

State (1)	1999		2000	
	Senate	House	Senate	House
Alabama	10%	5%	10%	10%
Alaska	16%	16%	8.8%	8.8%
Arizona	8%	10%	23%	25%
Arkansas	7%	6%		
California				
Colorado		15%-20%		15%-20%
Connecticut	7%		7%	
Delaware		95%		95%
Florida	99%		99%	
Georgia	1%	2%	1%	2%
Hawaii			0.02%	3.5%
Idaho		1%		10%
Illinois	0.5%	5.3%		
Indiana				
Iowa	5%	5%	5%	5%
Kansas	7%	3%	12%	5%
Kentucky	87%		11%	20%
Louisiana	87%	86%	83%	73%
Maine	25%	20%	25%	80%
Maryland	10%		11%	
Massachusetts	90%	70%		
Michigan				
Minnesota			0%	12%
Mississippi		15%-20%		15%-20%
Missouri	47%	37%	47%	36%
Montana				
Nebraska	1%		1%	
Nevada	12%	10%		
New Hampshire				
New Jersey	33%		37%	
New Mexico		0%		0%
New York				
North Carolina				
North Dakota	16%	16%		
Ohio	0%		0%	
Oklahoma	10%	90%	10%	90%
Oregon	31.5%			

Table 02-3.37 Percent of Bills Prefiled in 1999 and 2000, cont'd.

State(1)	1999		2000	
	Senate	House	Senate	House
Pennsylvania	10%	1%		
Rhode Island	1%		1%	
South Carolina				
South Dakota	5%		6%	
Tennessee	7%	15%		
Texas				
Utah	30%		27%	
Vermont	40%		100%	
Virginia	7%	11.5%	5%	6%
Washington		5%		5%
West Virginia	5%	40%	5%	40%
Wisconsin				
Wyoming				
American Samoa		80%-85%		90%-95%
Puerto Rico				

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

