



STATE OF OREGON
Legislative Counsel Committee

March 22, 2019

To: Cheyenne Ross, LPRO Analyst
Senate Committee on Campaign Finance

From: Daniel R. Gilbert, Senior Deputy Legislative Counsel

Subject: Use of "including, but not limited to"

You requested that we draft an amendment to Senate Joint Resolution 18 for the sole purpose of inserting ", but not limited to" after the word "including." The -6 amendments are enclosed.

Please note that our office disfavors the phrase "including, but not limited to," and we believe that this amendment is at best unnecessary, as the Oregon Supreme Court considers "including" to mean "including, but not limited to."¹ At worst, the use of this phrase has the potential to call into question future interpretations of the word "include" when it is not followed by a similar qualifier.

Encl.

¹ See, e.g., *State v. Kurtz*, 350 Or. 65, 75 (2011) (noting that "statutory terms such as 'including' and 'including but not limited to,' when they precede a list of statutory examples, convey an intent that an accompanying list of examples be read in a nonexclusive sense.").