

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 184

50th Legislature, 1st Session, 2011

Tracking Number: .183728.1

Short Title: Statutory Use Includes & Including

Sponsor(s): Representative Al Park

Analyst: David Harrell

Date: February 18, 2011

Bill Summary:

HB 184 amends the *Uniform Statute and Rule Construction Act* to specify that the words “includes” and “including” are “terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded.” In other words, the bill clarifies that any list or collection of items referenced by the word “include” is not necessarily complete: that is, there may or may not be other components.

Fiscal Impact:

HB 184 does not contain an appropriation.

Substantive Issues:

The drafting manual used by the Legislative Council Service advises:

There is no need to write “includes but is not limited to”; the word “includes” implies an incomplete listing. Put another way, “includes” includes the concept of “not limited to.”

In a similar vein, the *American Heritage Dictionary of the English Language*, third edition, makes a distinction between the words “include” and “comprise,” which sometimes are used interchangeably when, in careful usage, they have different meanings.

- The word “comprise” implies that all of the components are stated, whereas the word “include” implies an incomplete listing.
- To give an example from the legislative context, a committee whose membership “includes” seven people may also include others; but a committee whose membership “comprises” seven people has seven members and no more.

These points notwithstanding, however, legislative analysts have sometimes felt compelled to or been directed to use the essentially redundant phrase “including but not limited to” when the word “including” alone would suffice. Perhaps HB 184 will put an end to that practice.

The analysis by the Administrative Office of the Courts suggests that HB 184 will help clarify the Legislature’s intent the next time a bill uses some form of the verb “include.”

Background:

According to the analysis of HB 184 by the Attorney General's Office, the bill is a response to a recent decision of the state appellate court "that incorrectly concluded that 'includes' and 'including' are terms of limitation."

Related Bills:

None as of February 18, 2011.