

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

AILANTO PROPERTIES, INC.,

Plaintiff and Appellant,

v.

CITY OF HALF MOON BAY et al.,

Defendants and Appellants.

A098920

**(San Mateo County
Super. Ct. No. 416573)**

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on August 30, 2006, be modified as follows:

On page 15, the citations following the second sentence of the second full paragraph, are deleted and replaced with the following citations:

(Assem. Republican Caucus, analysis of Assem. Bill No. 2740 (1985-1986 Reg. Sess.) July 2, 1986, p. 1; Assem. Republican Caucus, analysis of Assem. Bill No. 2740 (1985-1986 Reg. Sess.) Aug. 19, 1986, p. 1.)

so that the paragraph reads as follows:

Ailanto places principal reliance on two legislative caucus analyses of Assembly Bill No. 2740. Although the analyses focus primarily on other matters in the bill, they do state in passing that the bill would also “limit the length of a development moratorium to not exceed five years.” (Assem. Republican Caucus, analysis of Assem. Bill No. 2740 (1985-1986 Reg. Sess.) July 2, 1986, p. 1; Assem. Republican

Caucus, analysis of Assem. Bill No. 2740 (1985-1986 Reg. Sess.) Aug. 19, 1986, p. 1.) This brief mention in two legislative caucus analyses does not alter our conclusion, however. It is true that some California courts have considered analyses by legislative party caucuses as part of a statute's legislative history, at least where such analyses are *consistent* with other legislative history. (*People v. Ledesma* (1997) 16 Cal.4th 90, 98; but, see *Metropolitan Water Dist. v. Imperial Irrigation Dist.* (2000) 80 Cal.App.4th 1403, 1425 ["a court will generally consider only those materials indicative of the intent of the Legislature *as a whole*"].) Here, we think that the complete absence of anything in the Legislative Counsel's Digest, committee reports, and other legislative history materials speaks far more loudly than a single phrase in these two caucus analyses.

There is no change in the judgment.