

STATE OF MICHIGAN
COURT OF APPEALS

MARK GREBNER d/b/a PRACTICAL
POLITICAL CONSULTING,

UNPUBLISHED
December 6, 1996

Plaintiff-Appellant,

v

No. 188402
LC No. 94-076764-CZ

WAYNE COUNTY CLERK and WAYNE
COUNTY,

Defendants-Appellees.

Before: Saad, P.J., and Griffin and M.H. Cherry,* JJ.

PER CURIAM.

I

FACTS

Plaintiff appeals from a grant of summary disposition in favor of defendants. Plaintiff requested, pursuant to the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq.*; MSA 4.1801(1) *et seq.*, to review and copy, with a portable copy machine supplied by plaintiff, selected portions of campaign finance committee records for the period 1990 to 1993. The clerk denied the request, stating that the FOIA did not apply to public records prepared under an act or statute specifically authorizing sale of those public records, and stating further that plaintiff could have copies of the records pursuant to the Michigan Campaign Finance Act (CFA), MCL 169.201 *et seq.*; MSA 4.1703(1) *et seq.*, and administrative rules promulgated thereunder. Plaintiff sued, seeking to compel disclosure of the records pursuant to the FOIA. The trial court granted summary disposition for defendants, based upon an interpretation of these statutes and, in essence, found that plaintiff failed to state a claim upon which relief could be granted. MCR 2.116(C)(8). We affirm.

* Circuit judge, sitting on the Court of Appeals by assignment.

II

ANALYSIS

Plaintiff argues that the trial court erred in ruling that § 15.243(1)(s) exempts campaign finance records from disclosure under the FOIA, maintaining that the addition by amendment of the exemption at issue was not meant to be substantive and noting lack of debate on the amendment. We disagree. The goal of judicial interpretation of statutes is to ascertain and give effect to the intent of the Legislature. *Witherspoon v Guilford*, 203 Mich App 240, 246-247; 511 NW2d 720 (1994). One begins with the specific language of the statute. *ABC Supply Co v River Rouge*, 216 Mich App 390, 392; 549 NW2d 73 (1996). When the plain and ordinary meaning of the statutory language is clear, judicial interpretation generally is neither necessary nor permitted. *Id.* The court should presume that every word in the statute has some meaning and should avoid any construction that renders a statute, or any part of it, surplusage or nugatory. *Michigan Emp't Security Comm'n v Westphal*, 214 Mich App 261, 266; 542 NW2d 360 (1995).

The FOIA provides:

Sec. 13. (1) A public body may exempt from disclosure as a public record under this act:

* * *

(s) Records of any campaign committee including any committee that receives money from a state campaign fund.

Application of the rules of statutory construction means giving effect to the plain language of the exemption, which is clear and unambiguous. Records of any campaign committee are exempt from disclosure under the FOIA. Plaintiff's interpretation of the legislative history would render subsection (s) meaningless, in contravention of the prohibition against such construction.

Next, plaintiff claims that the trial court erred when it ruled that the CFA, not the FOIA, governed plaintiff's request. We find no error. The FOIA specifically exempts the materials plaintiff seeks in subsection (s), but the CFA explicitly provides for their dissemination:

Sec. 16. (1) A filing official shall make a statement or reports required to be filed under this act available for public inspection and reproduction, commencing as soon as practicable, but not later than the third business day following the day on which it is received, during regular business hours of the filing official.

(2) A copy of a statement or part of a statement shall be provided by a filing official at a reasonable charge. [MCL 169.216; MSA 4.1703(16)].

Plaintiff relies on opinions of the Attorney General (1979 OAG No. 5500, 255; 1979 OAG No. 5465, 104) to argue that, because no specific fee for the copying of public records is set forth in the CFA, the FOIA controls. While opinions of the Attorney General may be persuasive, they are not binding upon a court and have no precedential value. *Indenbaum v Michigan Bd of Medicine (After Remand)*, 213 Mich App 263, 274; 539 NW2d 574 (1995). Because campaign committee records are clearly exempt from disclosure under the FOIA, but are expressly available under the CFA, we see no reason to alter these legislative provisions based upon flawed Attorney General opinions.

Affirmed.

/s/ Henry William Saad
/s/ Richard Allen Griffin
/s/ Michael H. Cherry