

tions agents may report any incriminating evidence discovered in the performance of their duties to law enforcement officers, the propriety of conducting a warrantless search of the resident's room on the request of law enforcement officials and in concert with them has been cast in doubt. See *Smith v Rhay*, 419 F2d 160 (CA 9, 1969); *Corngold v United States*, 367 F2d 1 (CA 9, 1966). The Ninth Circuit Court of Appeals has held that in such a case the corrections official is acting, not as the supervising corrections official of the resident, but as the agent of the very authority upon whom the requirement for a search warrant is constitutionally imposed. The better practice in such cases is to obtain a search warrant.

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CONSTITUTION OF MICHIGAN: Article 9, Section 18.

COUNTIES: Financing Public Television.

The constitutional prohibition against the grant of the credit of the state to any person, association, or corporation, public or private, prohibits a county from appropriating its funds to assist in the construction and operation of a public television station operated by a state university.

Opinion No. 4904

November 3, 1975.

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You have requested my opinion concerning the legality of the participation of Montmorency County in the financing of a public television station to be constructed and operated by Central Michigan University. Your question may be stated as follows:

Does the County Board of Commissioners have the authority under 1946 PA 18, MCLA 388.531 *et seq*; MSA 15.778(1) *et seq*, to legally allocate funds to a public university to assist it in the construction and operation of a public television station?

1946 PA 18, § 1; MCLA 388.531; MSA 15.778(1) provides:

"The county board of supervisors, through the office of the county commissioner of schools, may establish a program of adult education and may employ the necessary teachers and other personnel, and may purchase such equipment and instructional supplies as shall be required to provide an adequate program for the education of adults residing within the county: Provided, That the board of supervisors of any

county proposing to establish such a program shall first furnish evidence concerning local or county needs for adult education satisfactory to the superintendent of public instruction."

Authority for the county to make appropriations must be conferred by law. "A county is a municipal corporation and possesses only those powers which have been conferred upon it by the constitution and the statutes." *Mosier v Wayne County Board of Auditors*, 295 Mich 27, 29; 294 NW 85 (1940). The general constitutional provision relating to the power of counties is Const 1963, art 7, § 8, which states:

"Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law."

The Michigan Supreme Court in *Oakland County Drain Commission v City of Royal Oak*, 306 Mich 124; 10 NW2d 435 (1943), has held that the constitutional prohibition against the grant of the credit of the state to any person, association or corporation, public or private, found at Const 1908, art 10, § 12, applied to counties.

Applying these principles to the question at hand, it will be noted that 1946 PA 18, § 1, *supra*, contemplates "a program of adult education" and the "employment of necessary teachers and other personnel." Clearly this statutory reference means that the county only has authority to establish a formal, organized instructional program with a definite curriculum conducted by qualified instructors. Thus, it will be seen, the statute authorizes a county to expend its funds for a program of adult education for which it may employ teachers and other personnel; this does not authorize a county to contribute funds to a public television station.

It is my opinion, therefore, that a county does not have statutory authority to appropriate funds to assist in the construction or operation of a public television station operated by a state university.

FRANK J. KELLEY,
Attorney General.