to limit the number of fishing licenses when in its opinion 'it is necessary for the better protection, preservation, management, harvesting and utilization of the fisheries * * *.' In *State Highway Commission* v *VanderKloot,* 392 Mich 159; 220 NW2d 416 (1974), the bare standard 'necessity' in the highway act was held to be sufficiently precise. The test is whether the standard is 'as reasonably precise as the subject matter requires or permits.' (Citation omitted.) *VanderKloot, supra,* 392 Mich 173. Where the purpose of the statute is the protection of the public health or safety, and where the area of discretion makes it impractical to lay down standards, the courts have been less strict in requiring specific standards to guide the licensing agency. Sustaining a statute authorizing the Commissioner of Highways to suspend a license upon a showing that the driver was a 'habitual violator of the traffic laws', the Supreme Court of Minnesota said:

" 'The rule which requires an expressed standard to guide the exercise of discretion is subject to the exception that where it is impracticable to lay down a definite comprehensive rule—such as, where the administration turns upon questions of qualifications of personal fitness, or where the act relates to the administration of a police regulation which is necessary to protect the general health, welfare, and safety of the public—it is not essential that a specific prescribed standard be expressly stated in the legislation. This is so because it is impossible for the legislature to deal directly with the many details in the varied and complex conditions on which it legislates, but must necessarily leave them to the reasonable discretion of administrative officers.' *Anderson* v *Commissioner of Highways,* 267 Minn 308, 312; 126 NW2d 778, 781 (1964)."

Therefore, in answer to your question, I do not find any constitutional infirmity in the standard "incompetent to drive a motor vehicle" in MCLA 257.320(a)(1); MSA 9.2020(a)(1), as a basis for citing drivers to appear for driver re-examination.

FRANK J. KELLEY,
Attorney General.

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COLLEGES AND UNIVERSITIES: Baccalaureate degrees

COLLEGES AND UNIVERSITIES: Community colleges

DETECTIVES: Qualifications for license as a private detective

WORDS AND PHRASES: "Baccalaureate degree"

Where the private detective licensing act requires, as an alternative qualification, that the applicant be a graduate with a degree in the field of police administration from an accredited university or college, an applicant with a two year associate degree from a community college does not satisfy the requirement.

Opinion No. 4935 March 3, 1976.

Col. George L. Halverson
Director
Michigan State Police
714 S. Harrison Road
East Lansing, MI 48823

This opinion is in response to your recent letter in which you ask the following questions:

> "Does a two year associate degree satisfy the requirements for a licensure of an applicant as a private detective or private investigator as set forth in 1965 PA 285, § 6g; MCLA 338.826; MSA 18.184?"

1965 PA 285, § 6, *supra,* states in pertinent part:

> "(1) The secretary of state shall issue a license to conduct business as a private detective or private investigator if he is satisfied that the applicant is a person, or if a firm, partnership, company or corporation, the sole or principal license holder is a person who meets all of the following qualifications:
>
> " * * *
>
> "(g) For a period of not less than 3 years:
>
> "Has been lawfully engaged in the private detective business on his own account; or
>
> "Has been lawfully engaged in the private detective business as an investigative employee of the holder of a certificate of authority to conduct a detective agency; or
>
> "Has been an investigator, detective, special agent or police officer of a city, county or state government or of the United States government; or
>
> "Is a graduate with a degree in the field of police administration from an accredited university or college."

Const 1963, art 8, § 6 states:

> "Other institutions of higher education established by law having authority to grant baccalaureate degrees shall each be governed by a board of control which shall be a body corporate. . . ."

The term "baccalaureate" is defined in *Webster's Seventh New Collegiate Dictionary* as being "the degree of bachelor conferred by universities and colleges" and it will be noted that Const 1963, art 8, § 6, refers to the authority of certain institutions of higher education established by law to grant baccalaureate degrees. These institutions clearly do not refer to community colleges.

As distinguished from those schools having the authority to grant baccalaureate degrees, Const 1963, art 8, § 7 establishes public community and junior colleges. The fact that the framers of the constitution did not confer authority on junior colleges to award baccalaureate degrees evidences an intent to distinguish degree-granting colleges and universities from community colleges.

The pertinent provision of the licensure act in question, MCLA 338.826(1)(g), *supra*, speaks of the applicant as "a graduate with a degree in the field of police administration from an accredited *university or college.*" In my judgment, the phrase "university or college" refers to a four-year institution of higher education having the authority to grant baccalaureate degrees.

Therefore, it is my opinion that a two year associate degree awarded by a community or junior college does not satisfy the requirements set forth in 1965 PA 285, § 6g, *supra*.

FRANK J. KELLEY,
Attorney General.

A03/16.1

MUNICIPAL FINANCE COMMISSION: Contract for purchase of real property

An incorporated village, township or city may enter into a contract for the purchase of real property in which the aggregate does not exceed $250,000 without review by the Municipal Finance Commission; however, where the aggregate of such contracts exceed $250,000, they are subject to review of the Municipal Finance Commission for the providentiality of the borrowing and businesslike repayments.

Opinion No. 4968 March 16, 1976.

Honorable Michael J. O'Brien
State Senator, Sixth District
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Lansing, Michigan 48902

I am in receipt of your recent letter wherein you ask for my formal opinion as to whether the Municipal Finance Act, 1943 PA 202, as amended, being MCLA 131.1 *et seq;* MSA 5.3188(1) *et seq,* or 1933 PA 99, as amended, being MCLA 123.721 *et seq;* MSA 5.3461 *et seq,* controls a township insofar as the purchase of real estate is concerned. You have also asked whether 1967 PA 290 unconstitutionally attempts to amend the Municipal Finance Act by reference.

Prior to 1967, § 1 of Chapter III of the Municipal Finance Act read as follows:

> "No municipality shall hereafter borrow money and/or issue any obligations payable out of taxes or special assessments except in accordance with the provisions of this act."

Effective August 1, 1967, 1967 PA 294 amended the section to read as follows:

> "No municipality shall hereafter borrow money and issue any obligations payable out of taxes or special assessments except in accordance with the provisions of this act. The making of a contract for the purchase of real or personal property or leasing thereof with or without an option to purchase is not deemed the borrowing of