

Under MCLA 28.6; MSA 4.436 it is the right and responsibility of the Director of State Police to:

"\* \* \* formulate and put into effect plans and means of cooperating with the local police and peace officers throughout the state for the purpose of the prevention and discovery of crimes and the apprehension of criminals; and it shall be the duty of all such local police and peace officers to cooperate with such commissioner in such plans and means.\* \* \*"<sup>1</sup>

Under this provision the Department of State Police may take the initiative in coordinating the efforts of local, county, and state law enforcement units to cooperate with the new tribal forces. Under its Federal charter (See e.g. Constitution and By-Laws of the Keweenaw Bay Indian community, Art 6, sec 1(c) *supra*) the Keweenaw Bay Indian community tribal council has authority to negotiate cooperative agreements with state law enforcement authorities, which may be subject to approval by the department of interior. If the other tribal councils have comparable charter authority, they may also negotiate such cooperative agreements. Such measures as seem advisable to the department including but not limited to cross-deputization of officers and the rendering of communications assistance may be offered by the Department of State Police to a tribal police department to the same extent that such assistance is made available to local departments generally.

FRANK J. KELLEY,  
*Attorney General.*

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**UNIFORM COMMERCIAL CODE: Effect of filing of Continuation Statement**

A continuation statement continues the effectiveness of financing statements filed pursuant to the Uniform Commercial Code for a period of 5 years from the expiration of the original financing statement. Succeeding continuation statements timely filed continue the effectiveness of the original statement for a period of 5 years from the date of expiration of the extended original financing statement.

Opinion No. 4800

November 14, 1973.

Hon. Frederick L. Stackable  
State Representative  
The Capitol  
Lansing, Michigan

You have requested my opinion on the following question:

Whether the filing of continuation statements extend the original statement for 5 years after the last date to which the filing of the original statement was effective?

<sup>1</sup> The statute vested power in the state police commissioner. This power was transferred to department of state police by MCLA 16.253; MSA 3.29 (153), and is to be exercised by the director of the department of state police as its head, MCLA 16.251; MSA 3.29 (151)

1962 PA 174, MCLA 440.1101 *et seq.*; MSA 19.1101 *et seq.*, is known as the Uniform Commercial Code. Section 9403 of the Uniform Commercial Code provides, in pertinent part, as follows:

"(2) A filed financing statement which states a maturity date of the obligation secured of 5 years or less is effective until such maturity date and thereafter for a period of 60 days. Any other filed financing statement is effective for a period of 5 years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such 60-day period after a stated maturity date or on the expiration of such 5-year period, unless a continuation statement is filed prior to the lapse. . . .

"(3) A continuation statement may be filed by the secured party (i) within 6 months before and 60 days after a stated maturity date of 5 years or less, and (ii) otherwise within 6 months prior to the expiration of the 5-year period specified in subsection (2) . . . Upon timely filing of the continuation statement, the effectiveness of the financing statement is continued for 5 years *after the last date to which the filing was effective* whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the financing statement. . . . (Emphasis added)

The task at hand is to ascertain and give effect to the intention of the legislature. Where the language employed in a statute is plain, certain and unambiguous, a bare reading suffices and no interpretation is necessary. In such case the legislature must be held to intend the meaning which it has plainly expressed and there is no room for construction or any interpretation to vary such meaning. *Dussia v Monroe County Employees Retirement System*, 27 Mich App 398; 183 NW2d 583, affirmed in 386 Mich 244; 191 NW2d 307 (1971).

In plain language the legislature has manifested its intent that upon filing of a continuation statement the effectiveness of the financing statement is continued for 5 years after the last date to which the filing was effective and not the date of the filing of the continuation statement. Upon timely filing of succeeding continuing statements, the effectiveness of the original financial statement is continued for a period of 5 years from the expiration of the original financing statement and for 5 year periods thereafter.

Therefore, it is my opinion that upon timely filing of a continuation statement, the original financing statement is continued for a period of 5 years from the date of the expiration of the financing statement. Succeeding continuation statements timely filed continue the effectiveness of the original statement for a period of 5 years from the date of expiration of the extended original financing statement.

FRANK J. KELLEY,  
*Attorney General.*

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