

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

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JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

Honorable Lawrence C. Williams
Administrator
Alabama Credit Union Administration
304 Dexter Avenue
Suite 1C
Montgomery, Alabama 36130

Banks & Banking - Credit Union
- Administrative Procedure Act

Credit Union Administration to
follow provisions of Act 85-457
in promulgating rules and regu-
lations.

Dear Mr. Williams:

You have asked of this office an opinion respecting the application of the Administrative Procedure Act, §§41-22-1, et seq., Code of Alabama 1975, to the Alabama Credit Union Administration, and in particular to its rule-making activities.

Until passage of Act No. 85-457 credit unions were supervised by the State Banking Department through its Bureau of Credit Unions established under §5-2A-100, Code of Alabama 1975. The State Banking Department's regulations were promulgated pursuant to §5-2A-8 and §5-2A-9, Code of Alabama 1975, which, with minor variations, track the language of §5 of the Administrative Procedure Act (41-22-5, Code, supra). In a similar way §§23 and 24 of Act 85-457 also track that language, with minor variations. Act 85-457 states specifically to whom notice shall be given, and how it shall be published, and provides specifically for judicial review [§24(d) of the Act].

Honorable Lawrence C. Williams

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In addition to the foregoing, we note that the definition of the term "agency" in the Administrative Procedures Act excludes "the State Banking Department, whose administrative procedures are governed by §§5-2A-8 and 5-2A-9."

The effect of Act 85-457 is to raise the supervision of credit unions from a Bureau within the Banking Department to a separate administrative department which is given "all authority regarding credit unions which was previously vested in the State Banking Department." Act 85-457, §17.

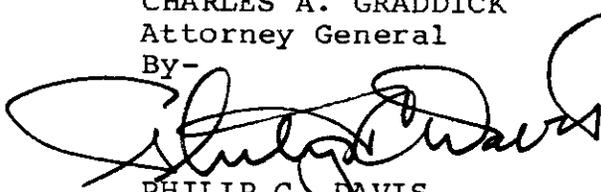
Given the presumption that the Legislature acts with deliberation and with full knowledge of existing laws in the same field of operation, and the proposition that specific legislation passed subsequently to general legislation is controlling, McDavid v. State, 439 So.2d 750 (Ala.Cr.App. 1983) it is the opinion of this office that the provisions of Act 85-457 relating to promulgation of rules and regulations, §§23 and 24 of the Act, are controlling, and should be followed by the Alabama Credit Union Administration in promulgating its rules.

I trust that the foregoing answers your question. If this office can be of further service to you, please let us know.

Yours very truly,

CHARLES A. GRADDICK
Attorney General

By-



PHILIP C. DAVIS
Assistant Attorney General

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