In my opinion this language means that the tax levy may extend over a period of 12 years, but that the tax levy shall be advertised *each year* of the 12, the same as other tax levies are required to be advertised without regard to the *time* of advertising—However, it is assumed that after the first year, the advertising will all be done at the same time.

Therefore, it is my opinion that it is not necessary to have the approval of the State Board of Tax Commissioners for such Building Fund prior to the last Tuesday in August, but that such proceeding for a Building Fund may have the approval of the State Board of Tax Commissioners at a date subsequent to the last Tuesday in August of any particular year.

2. In view of the foregoing, it is my opinion that your second question should be answered in the affirmative.

OFFICIAL OPINION NO. 51

July 3, 1952.

Mr. Samuel C. Hadden, Chairman,
State Highway Commission of Indiana,
State House Annex,
Indianapolis 9, Indiana.

Dear Sir:

I have your request for an official opinion concerning certain legal aspects of the Hoobler Undercarriage or Mono-trailer. Your request together with the material supplied with it makes it clear that the Hoobler Undercarriage is a device usually used to support the weight on the trailer of a tractor trailer combination. It consists of two (2) axles approximately nine feet (9') apart which support the weight, a large portion of the trailer, from a single point of weight suspension. The first of the two axles may be steered independently and the second axle turns with the carriage.

From the information that you present to me, it is clear that this is a new device which has different attributes of weight suspension and distribution than does an existing system of axles or tandem axles.

In substance, your question is whether or not the Hoobler Undercarriage contains two single axles or a tandem axle assembly within the meaning of Section 8 of Chapter 83 of the Acts of 1931 as last amended by Section 1 of Chapter 266 of the Acts of 1951, same being Burns' 1952 Replacement Section 47-536.

This section contains both a definition of an axle and the tandem axle group as follows:

> "(2) An 'axle' shall be construed to be the common axis of rotation of one (1) or more wheels or rollers whether power driven or freely rotating, and whether in one (1) or more segments and regardless of the number of wheels carried thereon.
>
> "(3) 'Tandem axle group' shall be considered to be two (2) or more axles spaced more than forty (40) inches from center to center having at least one (1) common point of weight suspension."

From the foregoing definition of a tandem axle, the following requirements can be derived:

1. There must be two (2) or more axles.
2. The axles must be spaced more than 40 inches from center to center.
3. There must be at least one (1) common point of weight suspension.

Hoobler Undercarriage contains two (2) axles, therefore meeting the first requirement. Second, the axles are approximately nine (9) feet apart, therefore meeting the second requirement that the axles be more than forty (40) inches apart and, third, the axles have at least one (1) common point of weight suspension. Therefore it is clear that, although a Hoobler Undercarriage does not have the usual attributes of a tandem axle, nevertheless, for the purposes of the statute dealing with maximum weights, it constitutes a tandem axle group and the weight on the two axles is therefore limited by statute to 32,000 pounds rather than 36,000 pounds. As pointed out in your letter, the reason for this lower limit on tandem group appears to have been obviated by the construction

of the Hoobler Undercarriage and such a device was not under consideration when the legislature last dealt with this subject.

Thus it might appear reasonable for the legislature to modify existing law in view of this unforseen circumstance.

OFFICIAL OPINION NO. 52

July 10, 1952.

Honorable William A. Woodworth,
State Representative,
Jasper & Newton Counties,
Rensselaer, Indiana.

Dear Sir:

I have your request for an Official Opinion which reads in part as follows:

> "I respectfully request an opinion on the construction of certain sections, hereinafter designated, of the following entitled act AN ACT CONCERNING MUNICIPAL CORPORATIONS being Chapter 129 of the Acts of the General Assembly for the year 1905.
>
> "If all members of the City Council unanimously consent to vote on the adoption of the ordinance at the meeting at which it is introduced, must there be a unanimous affirmative vote of the Council for the ordinance in order that it pass; or is a majority vote of the members-elect sufficient?"

Section 48, Chap. 129, Acts of 1905, same being Burns' 48-1402 provides "General Procedure in Adoption of Ordinances." Pertinent parts of that section read as follows:

> "A majority of all the members-elect shall constitute a quorum. *It shall require a majority vote of all the members-elect to pass an ordinance.* Whenever, in this act, it is required that any ordinance or resolution shall be passed or other action of the council taken by a two-thirds vote, such requirement shall be construed to