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BOND VALIDATION - OKLAHOMA

Oklahoma Turnpike Authority v. Olsen

Supreme Court of Oklahoma - December 6, 2022 - 521 P.3d 806 (Mem) - 2022 OK 98

The Supreme Court of Oklahoma authorized the Oklahoma Turnpike Authority (OTA) to issue bonds for turnpike repair and expansion.

Real Parties in Interest filed an action in the Cleveland County District Court claiming that the OTA violated the Oklahoma Open Meeting Act in seeking approval of the bonds.

OTA's Application to Assume Original Jurisdiction for Writ of Prohibition was denied as moot by the Supreme Court.

Two Justices dissented, arguing that the legal issue brought in this original proceeding was whether the Cleveland County District Court had the authority to determine the Real Parties in Interest's claims or whether the claims were within the exclusive jurisdiction of the Oklahoma Supreme Court.

> "For over 70 years, this Court construed the Legislature's grant of jurisdiction as giving the Court ***sole*** authority to determine ***all*** questions of sufficiency of the law to authorize bonds and construct turnpikes. The Court must consider the validity of the bonds, the constitutionality of the bonds, and the OTA's authority to construct and operate turnpikes. The Real Parties in Interest's claims directly impact these determinations that are within the exclusive jurisdiction of this Court as the relief sought in the district court is to prevent the OTA from using the bonds to construct the turnpike extensions."
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> "The OTA invoked the Court's exclusive jurisdiction under § 1718 when it filed its application with this Court to validate the bonds for the turnpike expansion. And that exclusive jurisdiction makes any determination by this Court binding upon the lower court. To hold otherwise might present a conflict of jurisdictions, where this Court approves the bonds and the OTA's ability to proceed with its proposed turnpikes and the judgment by the district court bars the OTA from exercising the authority this Court authorized. Even a potential conflict of jurisdiction between the two courts should be avoided. This Court should have assumed original jurisdiction to prevent such a conflict."
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> "This Court gained exclusive jurisdiction to consider the questions raised by the Real Parties in Interest in the Cleveland County District Court when the OTA filed its application to validate the proposed bonds. The Real Parties in Interest's claims concern the sufficiency of the law to authorize the OTA to construct the turnpike expansion even though the claim arises under the Open Meetings Act. I would have therefore granted the writ of prohibition and ordered the Cleveland County District Court to transfer the Real Parties in Interest's petition to this Court to be treated as a protest in the pending bond validation case."

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