

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 764

By: Hicks

AS INTRODUCED

An Act relating to airspace; amending 60 O.S. 2021, Sections 803 and 805, which relate to airspace as real property, and titles, estates, rights, and interests pertaining to airspace; removing exceptions for wind and solar energy agreements; repealing 60 O.S. 2021, Section 820.1, which relates to the Airspace Severance Restriction Act; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 60 O.S. 2021, Section 803, is amended to read as follows:

Section 803. Airspace as defined herein is real property, and until title thereto or rights, interests, or estates therein are separately transferred, airspace is the property of the person or persons holding title to the land surface beneath it, ~~subject to the limitations relating to wind or solar energy agreements provided in Section 1 of this act.~~

SECTION 2. AMENDATORY 60 O.S. 2021, Section 805, is amended to read as follows:

1 Section 805. ~~Subject to the limitations relating to wind or~~
2 ~~solar energy agreements provided in Section 1 of this act, all~~ All
3 forms of titles, estates, rights, and interests which may presently
4 exist or which may hereafter be created by law or equity or under
5 statutes pertaining to real property may be legally created,
6 transferred and conveyed in airspace, whether or not such airspace
7 is contiguous to the surface of the earth; and the same shall
8 constitute titles, estates, rights, and interests in real property
9 under and subject to the laws pertaining thereto.

10 SECTION 3. REPEALER 60 O.S. 2021, Section 820.1, is
11 hereby repealed.

12 SECTION 4. This act shall become effective November 1, 2023.

14 59-1-1435 RD 1/18/2023 6:45:10 PM