

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3462

By Delegate Ridenour

[Introduced March 17, 2025; referred to the
Committee on Energy and Public Works]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §5-32-1, and to amend the code by adding a new section, designated §14-2-
3 17b, all relating to removal or cutting of trees on state owned or leased property or rights-
4 of-way threatening structures on private property; requiring the state of West Virginia to
5 remove trees on state owned or leased property threatening structures on private property;
6 providing for removal of the trees by the owners or lessees of the threatened structures
7 upon failure of the state to remove or cut down the trees; and providing for claims against
8 the state for the costs and expenses of property owners and lessees who remove or cut
9 down the trees.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 32. TREE REMOVAL ON STATE PROPERTY.

§5-32-1. Removal of trees on state property threatening structures on private property.

1 Trees located on real property owned or leased, or on a right-of-way owned by a state
2 agency that are threatening to fall on and cause damage to a structure located on privately owned
3 real property shall be removed by the state agency at the state's expense within six months after
4 receiving a written request from the private property owner or lessee. The notice shall be sent by
5 certified mail to the state agency that owns or leases the property or right-of-way and shall include
6 the name and contact information of the owner or lessee of the property being threatened, a
7 description of the trees sought to be removed adequate to identify the trees sought to be removed,
8 and any relevant information about the trees and the threatened property describing the reasons why

the trees threaten to cause damage to the structure.

If the trees are not removed within six months after the state receives the notice, then the private property owner may, without liability to the state, enter the state property and cut down or remove the trees after sending written notice to the state agency not less than seven days before entry, stating the date of intended entry, and the names and contact information of any persons that the private property owner or lessee will utilize or employ to remove the trees.

The private property owner or lessee may file a claim against the state pursuant to §14-2-16, §14-2-17, or §14-2-17b of this code to recover any costs or expenses incurred in the cutting down or removal of the trees.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-17b. Shortened procedure for tree removal claims.

Notwithstanding the regular and shortened procedures provided for in §14-2-16 and §14-2-17 of this code, there shall be a shortened procedure for claims to recover the costs and expense of the removal or cutting down of trees on state property threatening damage or destruction of structures on private property, pursuant to § 5-32-1 of this code. The shortened procedure authorized by this section shall apply only to a claim possessing all of the following characteristics:

(1) The claim does not arise under an appropriation for the current fiscal year;

(2) The claim alleges that trees located on state owned, leased or on a right-of-way of the state either threatens to fall and cause damage or have fallen and caused damage to a structure located on privately owned real property;

(3) If the trees have not fallen, that the claimant gave notice to the state pursuant to §5-32-1 of this code and the state has failed to remove or cut the trees within six months after the notice was given;

- 14 (3) The applicable state agency concurs in the claim; and
- 15 (4) The amount claimed does not exceed \$10,000.
- 16 The applicable state agency shall prepare a stipulation concerning the claim and file it with
- 17 the clerk. The commission shall order the claim approved and shall file its statement with the clerk.

NOTE: The purpose of this bill is to provide for removal or cutting of trees on state owned or leased property or rights-of-way threatening structures on private property.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.