

CHAPTER 147

**GOVERNMENT - MUNICIPAL**

SENATE BILL 26-157

BY SENATOR(S) Pelton R. and Hinrichsen, Bridges, Carson, Catlin, Gonzales J., Kipp, Liston, Marchman, Coleman; also REPRESENTATIVE(S) Winter T. and Martinez, Bacon, Boesenecker, Caldwell, Carter, Duran, Flannell, Keltie, Lindsay, Marshall, Mauro, Nguyen, Phillips, Ricks, Sirota, Soper, Titone, McCluskie.

**AN ACT**

**CONCERNING THE ABANDONMENT OF A TOWN THAT HAS CRITICAL WATER INFRASTRUCTURE FOR THE RESIDENTS OF THE TOWN, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **amend** 31-3-201 as follows:

**31-3-201. Procedure for determination of abandonment.**

(1) A TOWN MAY BE DETERMINED TO BE ABANDONED:

(a) When any town has failed, for a period of five years or longer immediately prior to the filing of the application under this section, to hold any regular or special election or to elect officers and to maintain any town government; ~~such town may be determined to be abandoned as follows:~~ OR

(b) WHEN ANY TOWN DOES NOT HAVE A BOARD OF TRUSTEES OR TOWN CLERK, IS UNABLE TO HOLD AN ELECTION, AND OWNS OR OPERATES WATER INFRASTRUCTURE CRITICAL FOR THE TREATMENT OR DELIVERY OF WATER TO RESIDENTS. IF A TOWN IS ABANDONED PURSUANT TO THIS SUBSECTION (1)(b):

(I) THE COUNTY IS NOT LIABLE FOR THE DEBT OR OTHER OBLIGATIONS OR OTHER REQUIREMENTS OF THE TOWN RELATED TO THE WATER SYSTEM; AND

(II) UPON ABANDONMENT OF THE TOWN, THE COUNTY SHALL TRANSFER ALL REAL AND PERSONAL PROPERTY COMPRISING THE WATER SYSTEM FROM THE COUNTY TO AN ENTITY THAT HAS THE PRIMARY PURPOSE OF WATER TREATMENT OR DELIVERY, UNLESS OTHERWISE DETERMINED BY THE COUNTY.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(2) THE PROCEDURE TO DETERMINE THAT A TOWN IS ABANDONED IS AS FOLLOWS:

(a) The county attorney of the county in which the town is located, ~~or any owner of land in such~~ IN THE TOWN, OR ANY REGISTERED ELECTOR OF THE TOWN MAY MAKE APPLICATION TO THE SECRETARY OF STATE TO DETERMINE THAT THE TOWN IS ABANDONED.

(b) The secretary of state shall forthwith cause notice of the filing of such application to be published ~~once in some newspaper of general circulation in the county and, where possible, to be posted in at least two conspicuous locations within the town~~ ON THE SECRETARY OF STATE'S WEBSITE AND IN AT LEAST TWO CONSPICUOUS LOCATIONS WITHIN THE TOWN. The notice shall specify the date, time, and place where ~~said~~ THE APPLICATION WILL BE HEARD, WHICH DATE SHALL BE NOT LESS THAN TWENTY DAYS AFTER THE DATE OF SUCH PUBLICATION.

(c) The secretary of state shall hear ~~such~~ THE APPLICATION AND, AFTER RECEIVING EVIDENCE THEREON, SHALL DETERMINE WHETHER OR NOT ~~said~~ THE TOWN HAS BEEN ABANDONED. IF ~~he~~ THE SECRETARY DETERMINES THAT THE TOWN IS ABANDONED, THE SECRETARY SHALL FILE A COPY OF ~~such~~ THE DETERMINATION ~~shall be filed~~ WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH ~~said~~ THE TOWN WAS LOCATED. THEREUPON, ~~said~~ THE TOWN SHALL CEASE TO EXIST.

(d) The books, documents, records, papers, and corporate seal of any town ~~so~~ ABANDONED PURSUANT TO THIS SECTION SHALL BE DEPOSITED WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY WITHIN WHICH THE TOWN OR ANY PART THEREOF IS LOCATED, FOR SAFEKEEPING AND REFERENCE IN THE FUTURE.

**SECTION 2.** In Colorado Revised Statutes, 25-1.5-208, **add** (4)(d) as follows:

**25-1.5-208. Grant program for public water systems and domestic wastewater treatment works - small communities water and wastewater grant fund - rules - repeal.**

(4) (d) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION REGARDING THE PERMISSIBLE USES OF MONEY IN THE FUND, IF AN APPLICATION FOR THE ABANDONMENT OF A TOWN HAS BEEN FILED WITH THE SECRETARY OF STATE PURSUANT TO SECTION 31-3-201(1)(b) AND THE TOWN OWNS OR OPERATES A WATER SYSTEM THAT IS FAILING OR IS LIKELY TO FAIL, AS DETERMINED BY THE DEPARTMENT, THE DEPARTMENT MAY TRANSFER UP TO ONE HUNDRED THOUSAND DOLLARS FROM THE FUND TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE DEPARTMENT OF PUBLIC SAFETY TO CONTRACT FOR THE OPERATION AND MAINTENANCE OF THE TOWN'S EXISTING WATER TREATMENT INFRASTRUCTURE.

(I) THE DEPARTMENT OF PUBLIC SAFETY SHALL USE MONEY TRANSFERRED FROM THE FUND PURSUANT TO THIS SUBSECTION (4)(d) ONLY TO CONTRACT FOR THE ROUTINE OPERATION AND MAINTENANCE OF EXISTING WATER TREATMENT INFRASTRUCTURE FOR THE TOWN, SUCH AS THE OPERATION OF THE CHLORINE DISINFECTION SYSTEM AND ASSOCIATED SAMPLING AS DETERMINED BY THE DEPARTMENT, AND NOT FOR IMPROVEMENTS TO THE WATER SYSTEM OR OTHER PROJECTS THAT REQUIRE MORE SIGNIFICANT EXPENDITURES. THE DEPARTMENT OF PUBLIC SAFETY SHALL USE MONEY TRANSFERRED FROM THE FUND ONLY AFTER AN APPLICATION FOR ABANDONMENT OF A TOWN IS FILED WITH THE SECRETARY OF

STATE, UNTIL THE SECRETARY OF STATE MAKES A FINAL DETERMINATION ON THAT APPLICATION; EXCEPT THAT THE DEPARTMENT OF PUBLIC SAFETY MAY USE THE MONEY FROM THE FUND FOR AN ADDITIONAL SIX MONTHS AFTER THE SECRETARY OF STATE MAKES A FINAL DETERMINATION ON THE APPLICATION FOR ABANDONMENT OF THE TOWN IF THE DEPARTMENT OF PUBLIC SAFETY DETERMINES, ON A MONTHLY BASIS, THAT THE USE OF MONEY FROM THE FUND IS NECESSARY.

(II) ANY ASSISTANCE PROVIDED FOR THE ROUTINE MAINTENANCE OR OPERATION OF EXISTING WATER TREATMENT INFRASTRUCTURE PURSUANT TO THIS SUBSECTION (4)(d) IS TEMPORARY AND DOES NOT TRANSFER OWNERSHIP OF THE WATER SYSTEM TO THE STATE. THE STATE IS NOT RESPONSIBLE OR LIABLE FOR THE WATER SYSTEM OR THE DEBTS, OBLIGATIONS, OR OTHER REQUIREMENTS OF THE TOWN FOR WHICH AN APPLICATION FOR ABANDONMENT WAS FILED.

(III) THIS SUBSECTION (4)(d) IS REPEALED, EFFECTIVE JULY 1, 2028.

**SECTION 3. Appropriation.** For the 2026-27 state fiscal year, \$100,000 is appropriated to the department of public safety. This appropriation is from reappropriated funds from the small communities water and wastewater grant fund created in section 25-1.5-208 (4)(a)(I), C.R.S., which is continuously appropriated to the department of public health and environment. To implement this act, the department may use this appropriation for the office of emergency management.

**SECTION 4. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 26, 2026