

26.2 Definitions.

As used in [this chapter](#), unless the context clearly indicates otherwise:

1. “*Estimated total cost of a public improvement*” or “*estimated total cost*” means the estimated total cost to the governmental entity to construct a public improvement, including cost of labor, materials, equipment, and supplies, but excluding the cost of architectural, landscape architectural, or engineering design services and inspection.

2. “*Governmental entity*” means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding the state board of regents and the state department of transportation.

3. *a.* “*Public improvement*” means a building or construction work that is constructed under the control of a governmental entity and for which either of the following applies:

(1) Has been paid for in whole or in part with funds of the governmental entity.

(2) A commitment has been made prior to construction by the governmental entity to pay for the building or construction work in whole or in part with funds of the governmental entity.

b. “*Public improvement*” includes a building or improvement constructed or operated jointly with any other public or private agency, but excludes all of the following:

(1) Urban renewal demolition and low-rent housing projects.

(2) Industrial aid projects authorized under [chapter 419](#).

(3) Emergency work or repair or maintenance work performed by employees of a governmental entity.

(4) A highway, bridge, or culvert project.

(5) Construction or repair or maintenance work performed for a city utility under [chapter 388](#) when such work is performed by its employees or when such work relates to existing utility infrastructure or establishing connections to existing utility infrastructure. For purposes of this subparagraph, “*utility infrastructure*” includes facilities used for the storage, collection, disposal, treatment, generation, transmission, or distribution of water, sewage, waste, electricity, gas, or telecommunications service.

(6) Construction or repair or maintenance work performed for a rural water district under [chapter 357A](#) by its employees.

4. “*Repair or maintenance work*” means the preservation of a building, storm sewer, sanitary sewer, or other public facility or structure so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility or structure to its original condition with the same design.

5. “*Under the control of a governmental entity*” includes determining the construction work to be performed or establishing the specifications for a building or construction work to be occupied by the governmental entity.

[2006 Acts, ch 1017, §2, 42, 43; 2007 Acts, ch 144, §1, 2; 2018 Acts, ch 1075, §2, 3, 12, 13; 2018 Acts, ch 1172, §71, 72; 2019 Acts, ch 59, §17; 2020 Acts, ch 1092, §1, 2](#)

Referred to in §8.46, 26A.1, 260C.38, 278.1, 297.7, 298.3, 314.1A, 314.1B, 331.341, 364.4, 384.20

2018 amendments apply to lease-purchase contracts entered into on or after April 4, 2018; [2018 Acts, ch 1075, §12, 13; 2018 Acts, ch 1172, §71, 72](#)