SECTION 1. AMENDMENT. Section 24-03-08 of the North Dakota Century Code is amended and reenacted as follows: 24-03-08. Determinations of surface water flow and appropriate highway construction.

~~Whenever and wherever~~When a highway under the supervision, control, and jurisdiction of the department ~~or under the supervision, control, and jurisdiction of the~~, a board of county commissioners ~~of any county,~~ or ~~the~~a board of township supervisors has been or will be constructed over a watercourse or draw into which flow surface waters from farmlands, the state engineer, upon petition of the majority of landowners of the area affected or at the request of the board of county commissioners, township supervisors, or a water resource board, shall determine as nearly as practicable the design discharge that the crossing is required to carry to meet the stream crossing standards prepared by the department and the state engineer. ~~When~~If the determination has been made by the state engineer, the department, the board of county commissioners, or the board of township supervisors, as the case may be, upon notification of the determination, shall install a culvert or bridge of sufficient capacity to permit the water to flow freely and unimpeded through the culvert or under the bridge. If the state engineer recommends a specific size or design for the culvert or bridge, the department, the board of county commissioners, or the board of township supervisors, as the case may be, upon notification of the recommendation, shall install the recommended culvert or bridge **when the highway is constructed or reconstructed**. The department, county, and township are not liable for any damage to any structure or property caused by water detained by the highway at the crossing if the highway crossing has been constructed in accordance with the stream crossing standards prepared by the department and the state engineer and any recommendations from the state engineer for a specific size or design for the culvert or bridge.