

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 3: THE ENVIRONMENT**

**§ 3132. Right of Entry.**

(a) The director or his authorized representative shall have access to any facility or records, subject to the regulations under this chapter, for the purpose of inspecting the premises and appropriate documents to determine compliance with applicable regulations and/or the terms of any permit. The inspection may be made with or without advance notice to any organization if done for a good purpose, at the discretion of the director, but shall be made at reasonable times unless an emergency dictates otherwise.

(b) The chief or an authorized representative may, with the consent of the owner or occupant, enter upon any property for the purpose of carrying out his duties under this chapter.

(c) If the chief has probable cause to believe a violation of this chapter, any regulation or order issued under this chapter, or any term of a permit granted pursuant to this chapter, has occurred or is imminent, or if it is necessary to permit the chief to perform duties under this chapter, the chief shall apply to the Commonwealth Trial Court or the District Court for the Northern Mariana Islands for an order or warrant to enter upon and search any property, take necessary samples or readings therefrom, seize evidence found therein and examine or impound any book or record found therein or specified in the order or warrant.

(d) The chief or an authorized representative may enter upon any property for the purposes set forth in subsection (c) of this section without an order or warrant if the chief or authorized representative has probable cause to believe:

- (1) That a violation described in the subsection has occurred or is imminent,
- (2) That the violation poses a serious, substantial, and immediate threat to the public health or welfare, and
- (3) That the delay in obtaining a court order or warrant would prolong or increase the threat, or would prevent, hinder, or delay the discovery of evidence of the violation or the taking of any necessary mitigating or remedial measure.

**Source:** PL 3-23, § 10, modified; subsection (a) amended by PL 11-103, § 4.

**Commission Comment:** Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”

With respect to the references to the “chief” of the Division of Environmental Quality, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 11-103 took effect on September 29, 1999. PL 11-103 contained short title, findings, severability, and savings clause provisions as follows:

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Section 1. Short Title. This act may be cited as the “Commonwealth Environmental Amendments Act of 1999”.

Section 2. Findings. The Legislature finds and declares that as a policy, the Commonwealth should update its environmental laws to be consistent and compatible with applicable federal EPA requirements. Towards that end, the amendments made in this Act will make our present environmental laws consistent with applicable federal laws and regulations.

. . .

Section 10. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 11. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.