

Article 3 Commonwealth Statistics Act

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§2481. Title.

This article may be cited as the Commonwealth Statistical Act of 1990.

Source: PL 7-35, §1.

Commission Comment: This article became effective on August 9, 1991.

Section 2. Purpose. The purposes of this Act are (1) to make provision for collection, tabulation, compilation, publication, and reporting of official statistics and (2) to ensure the accuracy of statistic[s] and the efficiency of the statistical system by establishing a comprehensive coordination of statistical activities and realignment of statistical operations in the CNMI.

§2482. Central Statistics Division Created; Authority; Cooperation; Coordination of Surveys.

- (a) There is in the Department of Commerce and Labor a Central Statistics Division to be headed by the Chief of Statistics.
- (b) The Central Statistics Division is authorized to collect, compile and report all official statistics covering social, economic and demographic fields as required of making policy decisions and to carry out the purposes of this article and to conduct pertinent censuses and surveys. Information shall be collected to enable the production of official statistics relating to the following.
 - (1) Population and housing;
 - (2) Health, welfare and morbidity;
 - (3) Law enforcement and the administration of justice;
 - (4) Data related to social and physical environment;
 - (5) Labor force, employment and unemployment;
 - (6) Accidents and injuries;

- (7) Income expenditures and taxation;
- (8) Land tenure and land use;
- (9) Assets and liabilities;
- (10) Prices;
- (11) Trade and finance;
- (12) Travel and transportation;
- (13) Economic, finance, manufacturing, production, and administrative activities;
- (14) All government maintenance and operation programs;
- (15) Other related matters;

(c) All department and agency heads and government employees required by this article, or by regulations duly promulgated and adopted by the Department of Commerce and Labor, to provide such information to the Chief, Central Statistics Division, or his or her designee, without delay. Private individuals and businesses shall, unless required by law to provide information on a voluntary basis.

(d) The Central Statistics Division is empowered to plan, design and execute various types of statistical survey that are necessary for compilation and publication of the official statistical survey. Any statistical survey to be conducted by any branch or subdivision of the Commonwealth government shall be approved by the Statistical Advisory Council and coordination with the Central Statistics Division prior to undertaking.

Source: PL 7-35, §3, modified.

Commission Comment: To enhance clarity, “activities” was inserted after “administrative” in subsection (b) (13) and “matters” was substituted for “statistics” in subsection (b) (15).

With respect to the reference to the “Department of Commerce and Labor,” 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; see also the comment to 1 CMC § 2451.

§2483. Roles and Duties of the Central Statistics Divisions.

(a) The two central roles of the Central Statistics Division shall be:

- (1) To collect and provide information required by the Commonwealth government and its subdivisions for policymaking and program planning and implementation; and
- (2) To effectively coordinate all phase of statistical activities in the Commonwealth.

(b) Specific duties of the Central Statistics Division are:

- (1) To make such statistical report as specified in this article;
- (2) To develop and establish statistical policy matter;
- (3) To plan, design, and collect the statistical information specified in this article;
- (4) To compile, analyze, abstract and publish official statistics outlined in this article;
- (5) To coordinate and provide technical assistance as needed for all statistical activities being carried out in other department or agencies of the Commonwealth government;
- (6) To define and establish a statistical standard as basis for official statistics in the Commonwealth;
- (7) To make or construct statistical estimates, forecast, projections, and models as necessary or appropriate;
- (8) To plan, design, and undertake censuses and surveys specified in this article;
- (9) To examine, evaluate, and interpret any published or unpublished statistical data as it relates to the Commonwealth;
- (10) To plan, design, and undertake statistical education and training through workshops, seminars and conferences for employees of the Commonwealth government and the public, as needed;
- (11) To serve as the lead agency on statistical matters for the Commonwealth in contacting and interacting with federal, state, territorial, and local agencies, international and regional organizations, and private organizations and citizens;
- (12) To plan, design, and carry out research, field studies, experiments, and such other activities for furthering development of statistical sciences;
- (13) With the advice of the Statistical Advisory Council, the Chief of the Central Statistics Division shall have the sole responsibility for deciding the procedures and methods employed in the provision of all statistics produced or compiled by the Central Statistics Division, including the extent, form, and timing of statistical publications;
- (14) The Central Statistics Division shall, as soon as practicable, at the end of June of each calendar year, publish an annual Commonwealth of the Northern Mariana Islands statistical yearbook covering the range of statistics stated in this article;
- (15) The Central Statistics Division shall, as soon as practicable, publish other statistical reports, such as unemployment statistics and special census and survey reports, as timely as possible; and
- (16) In the discretion of the Chief of the Central Statistics Division, to undertake other activities relating to statistical activities as suggested by the Statistical Advisory Council.

Source: PL 7-35, § 4.

§ 2484. Organization and Staff of the Central Statistics Division;

(a) The Central Statistics Division shall consist of at least the following four offices:

- (1) Statistical Planning and Coordination;
- (2) Population and Social Statistics;
- (3) Economic Statistics; and
- (4) Statistical Data and Information Management.

Duties and responsibilities of each office shall be as specified by the Chief of the Central Statistics Division.

(b) The Central Statistics Division shall be headed by a Chief of Statistics, appointed by the Director of the Department of Commerce and Labor. The chief shall perform such duties as may be imposed upon him by law, regulations, or orders of the Director of the Department of Commerce and Labor.

(c) In addition to such staff as may be required to assist the Central Statistics Division and its offices in performing duties assigned by this article, and subject to budgetary appropriation, the Central Statistics Division may obtain technical advisory services from statisticians, survey specialists and/or computer experts, and employ, as needed, enumerators and interviewers on a part- or full-time basis.

Source: PL 7-35, § 5.

Commission Comment: With respect to the reference to the “Director” of the Department of Commerce and Labor and to the department itself, 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; see also the comment to 1 CMC § 2451.

§ 2485. Censuses of Population and Housing and Other Special Censuses.

(a) The Central Statistics Division shall be the agency responsible to plan, design and undertake the decennial censuses of population and housing in collaboration with the U.S. Bureau of the Census, or the federal agency charged with such responsibilities. In addition to the decennial censuses of population and housing, the Central Statistics Division shall plan, design and undertake the mid-decade censuses of population and housing in the Commonwealth of the Northern Mariana Islands on or around April 1 in the years ending with five, i.e., at exact midpoint of the decennial censuses. In such undertakings, the Central Statistics Division may ask and obtain technical and other assistance from the U.S. Bureau of the Census, Washington, D.C., or other agencies.

(b) The Central Statistics Division is empowered to plan, design and undertake other special censuses, including but not limited to censuses of agriculture, censuses of establishments, industrial censuses, censuses of manufacturing, censuses of wholesale and retail trade, etc., in collaboration with the U.S. Bureau of the Census or other authorized, appropriate agencies. In all such undertakings, the Central Statistics Division is to seek the advice of the Statistical Advisory Council concerning the scope, approach, funding and other requirements.

Source: PL 7-35, § 6.

§ 2486. Confidentiality of Information.

- (a) Every employee of the Central Statistics Division, before entering his or her duties, shall take and subscribe to a statutory declaration to the effect that he or she will faithfully and honestly fulfill his or her duties as an employee of the Central Statistics Division in conformity with the requirements of this article and will not, without express authority, disclose or make known any information or statistical data acquired under this article. Any information or statistical data collected primarily for statistical purposes shall be kept for those purposes, and strict confidentiality of information shall be observed.
- (b) Confidential information obtained from individuals, households, organizations, and other entities in the process of compilation of statistical data shall be treated as such.
- (c) Neither the chief of statistics, nor any other officer or employee of the Central Statistics Division, or any bureau, office, or agency thereof, may, except as otherwise provided by law:
- (1) Use the information furnished under the provisions of this article for any purpose other than the statistical purpose for which it is supplied;
 - (2) Make any publication whereby the data furnished by any particular establishment or individual under this article can be identified; or
 - (3) Permit anyone other than the sworn officers and employees of the Central Statistics Division, or bureau, office, or agency thereof to examine the individual reports.
- (d) No department, bureau, agency, officer, or employee of the government, except the Director of Commerce and Labor and the Chief of Statistics in carrying out the purposes of this article, may require, for any reason, copies of census reports or statistical information which have been retained by any such establishment or individual. Copies of census reports and statistical information which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit or other judicial or administrative proceeding.

Source: PL 7-35, § 7.

Commission Comment: With respect to the reference to the “Director of Commerce and Labor,” 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; see also the comment to 1 CMC § 2451.

§ 2487. Statistical Advisory Council.

- (a) There shall be a Statistical Advisory Council established as a consultative body to the Central Statistics Division on matters of statistical activities. The Statistical Advisory Council shall also recommend policies, programs and procedures for statistical activities.
- (b) The functions of the Statistical Advisory Council shall include:
- (1) The review of censuses, surveys and compilation of various statistics;
 - (2) Assistance with the analysis and evaluation of survey results; and
 - (3) Suggestions for the development and improvement of statistics.
- (c) The Statistical Advisory Council shall consist of the following members: the Lieutenant Governor (who shall serve as chairman), the Special Assistant for Planning and Budget, the Director of Commerce and Labor, the Director of Health and Environmental Services, the Commissioner of Education, the Attorney General, the Director of Community and Cultural Affairs, the Executive Director of Commonwealth Ports Authority, the Director of Natural Resources, the Director of Public Safety, the Director of Finance, the Special Assistant for Women’s Affairs, the President of Northern Marianas College, the Mayor of Saipan, the Mayor of Rota, the Mayor of Tinian, the Mayor of the Northern Islands, and three members from the private sector, appointed by the Governor, including one representative of the Saipan Chamber of Commerce.

Source: PL 7-35, § 8.

Commission Comment: Executive Order 94-3, the “Second Reorganization Plan of 1994” (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, § 302(d):

Section 302. Department of Commerce.

(d) **Statistical Advisory Council.** The Statistical Advisory Council is abolished and its records, property, facilities, equipment, and supplies transferred to the Department of Commerce. The Secretary of Commerce shall solicit from all activities of the Commonwealth Government, including those of the Legislative and judicial Branches, and from the private sector as appropriate, their needs for government statistics and shall consider such needs when determining what statistics to collect, compile, and report.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001; see also the comment to 1 CMC § 2451.

§ 2488. Authorization of Appropriations.

There is authorized to be appropriated, out of the treasury of the Commonwealth of the Northern Mariana Islands, such sums as may be necessary to carry out the provisions of this article.

Source: PL 7-35, § 9.

§ 2489. Procurement of Professional Services.

The Chief of the Central Statistics Division, with the express authority of the Director of the Department of Commerce and Labor, and subject to budgetary appropriation, shall have the authority to contract with educational and other research organizations for the preparation of reports and materials of a similar nature.

Source: PL 7-35, § 10.

Commission Comment: With respect to the reference to the “Director of the Department of Commerce and Labor,” 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; see also the comment to 1 CMC § 2451.

§ 2490. Penalties.

- (a) Whoever, being over 18 years of age, refuses or willfully neglects, when requested by the Director of the Department of Commerce and Labor, the Chief of Statistics, or any other authorized officer, employee, or agent of the Central Statistics Division, to answer, to the best of his or her knowledge, any of the questions on any schedule submitted to him or her in connection with any statistical collection, census, or survey provided for by this article, applying to himself or herself or to the family to which he or she belongs or is related, or to the farm or farms of which he or she or his or her family is the occupant, shall be fined not more than \$100.
- (b) Whoever, when answering questions authorized for the purposes of carrying out this article, and under the conditions and circumstances described in subsection (a) of this section, willfully gives any answer that is false, shall be fined not more than \$500.

- (c) Notwithstanding any other provision of this article, no person shall be compelled to disclose information relative to his or her religious beliefs or membership in a religious body.
- (d) Whoever, either directly or indirectly, offers or renders to any officer or employee of the Department of Commerce and Labor, the Central Statistics Division, or other bureau or agency thereof engaged in making an enumeration of population, any suggestions, advice, information or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.
- (e) Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, barracks, tenement, or other building, refuses or willfully neglects, when requested by the Director of the Department of Commerce and Labor, the chief of statistics, or by any other office, bureau, or agency thereof, acting under the authority of this article, to furnish the names of the occupants of such premises, or to give free ingress and egress there from to any duly accredited representative of such department, the Central Statistics Division, or office, bureau or agency thereof, so as to permit the collection of statistics as provided for in this article, or any survey authorized by this article, including, when relevant to the statistical collection or survey being taken or made, the proper and correct enumeration of all persons having their usual place of abode in such premises, shall be fined not more than \$500.
- (f) Whoever, being the owner, official agent, the person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body or organization of any nature whatsoever, neglects or refuses when requested by the Department of Commerce and Labor, the Central Statistics Division, or other authorized officer, agent, or employee thereof, to answer completely and correctly to the best of his or her knowledge all questions relating to his or her company, business, institution, establishment, religious body, or other organization, or to records or statistics in his or her official custody, contained in any census or other schedule or questionnaire prepared and submitted to him or her under authority of this article, shall be fined not more than \$500; and if he or she willfully gives a false answer to any such question he or she shall be fined not more than \$2,000 or imprisoned for not more than five years, or both.
- (g) Whoever, being an employee of Central Statistics Division and having taken and subscribed the oath of office in accordance with 1 CMC § 2486(a), neglects or refuses, without justifiable cause, to perform the duties required of such employee by this article shall be fined not more than \$500.
- (h) Whoever, being an officer, agent, or employee referred to in this article, willfully and knowingly swears or affirms falsely to the truth of any statement required to be made or subscribed by him or her under oath by or under authority of this article, shall be guilty of perjury, and shall be fined not more than \$2,000 or imprisoned not more than five years, or both.
- (i) Whoever, being an officer or employee referred to in this article:
 - (1) Willfully and knowingly makes a false certificate or fictitious return; or
 - (2) Knowingly or willfully furnishes or causes to be furnished, or, having been such an officer or employee, knowingly or willfully furnished or caused to be furnished, directly or indirectly, to the Director of the Department of Commerce and Labor, the Chief of Statistics, or to any other officer or employee of the Department of Commerce and Labor, or the Central Statistics Division, or bureau, or office or agency thereof, any false statement or false information with reference to any inquiry for which he or she was authorized and required to collect information provided for in this article, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(j) Whoever, being or having been an employee or staff member referred to in this article, having taken and subscribed the oath of office, publishes or communicates any information, the disclosure of which is prohibited by the provisions of this article, and which comes into his or her possession by reason of his or her being employed (or otherwise providing services) under the provisions of this article, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Source: PL 7-35, § 11.

Commission Comment: With respect to the references to the “Director of the Department of Commerce and Labor” and to the agency itself, 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; see also the comment to 1 CMC § 2451.

§ 2491. Administrative Penalties.

In addition to any penalty or liability under other law or provisions of this article, whoever, being or having been an officer, employee or staff member referred to in this article, violates the provisions of this article while being employed by the Commonwealth (or otherwise providing services thereto), shall be subject to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay, or removal from office.

Source: PL 7-35, § 12.

§ 2492. Enforcement.

The Commonwealth Superior Court shall have jurisdiction over violations of this article.

Source: PL 7-35, § 13.