



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

9 AUG 1991

The Honorable Pedro R. Guerrero
Speaker, House of Representatives

Seventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

and

The Honorable Joseph S. Inos
Senate President

Seventh Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 7-200, H.D.1, the Statistical Act of 1990, which was passed by the Seventh Northern Marianas Commonwealth Legislature.

Although there is an existing provision listing statistical data-collection as one of the duties of the Department of Commerce and Labor, this legislation is more comprehensive, as it creates a centralized Statistics Division, and sets procedures and guidelines to be followed by a newly appointed Chief of Central Statistics Division (CSD).

Initially, the thought of including the penalties provisions seemed appropriate in order to assist CSD collect and compile more accurate statistics. However, in view of numerous concerns and strong oppositions raised regarding the "Penalties" provisions, I am requesting that subsections (a), (e), and (f) of Section 11 be amended or repealed altogether, to avoid any potential effect on one's Constitutional right to privacy. I apologize for any inconvenience this request might cause.

This bill becomes Public Law No. 7-35. Copies bearing my signature are forwarded for your reference.

Sincerely,


LORENZO I. DE LEON GUERRERO
Governor

CC: Special Assistant for Programs and Legislative Review

HOUSE OF REPRESENTATIVES
SEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SIXTH SPECIAL SESSION, 1991

PUBLIC LAW NO. 7-35

HOUSE BILL NO. 7-200, H.D.1

AN ACT

TO MAKE PROVISION TO COLLECT, TABULATE, ANALYZE, AND PUBLICIZE OFFICIAL STATISTICS RELATING TO DEMOGRAPHIC, ECONOMIC AND SOCIAL DATA TO ESTABLISH WITHIN THE DEPARTMENT OF COMMERCE AND LABOR A REGULATORY UNIT KNOWN AS THE "CSD", AND FOR OTHER PURPOSES CONSISTENT WITH AND AS ALLOWED BY THE COVENANT AND THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS

Offered by Representative: William C. Ada

Date: November 29, 1990

HOUSE ACTION


Referred to Committee on Commerce and Tourism

Standing Committee Report No. 7-41

First and Final Reading: April 30, 1991

SENATE ACTION

Second and Final Reading: June 14, 1991


Evelyn C. Fleming
House Clerk

AN ACT

To make provision to collect, tabulate, analyze, and publicize official statistics relating to demographic, economic and social data to establish within the Department of Commerce and Labor a regulatory unit known as the Central Statistic Division (hereinafter referred to as the "CSD"), and for other purposes consistent with and as allowed by the Covenant and the Constitution of the Northern Mariana Islands.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Short Title. This Act may be cited as the
2 Commonwealth Statistical Act of 1990.

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

10 Section 3. Central Statistics Division Created -
11 Authority - Cooperation - Coordination of Surveys.

12 (a) Creation. There is in the Department of
13 Commerce and Labor a Central Statistics Division (CSD)
14 to be headed by a Chief of Statistics.

15 (b) Authority.

16 (1) The Central Statistics Division is
17 authorized to collect, compile and report all

1 official statistics covering social, economic and
2 demographic fields as required for the purpose of
3 making policy decisions and to carry out the
4 purposes of this Act and to conduct pertinent
5 census and surveys.

6 (2) Information shall be collected to enable
7 the production of official statistics relating to
8 the following:

- 9 (i) population and housing,
10 (ii) health, welfare and morbidity,
11 (iii) law enforcement and the
12 administration of justice,
13 (iv) data relating to social and physical
14 environment,
15 (v) labor force, employment and
16 unemployment,
17 (vi) accidents and injuries,
18 (vii) income expenditure and taxation,
19 (viii) land tenure and land use,
20 (ix) assets and liabilities,
21 (x) prices,
22 (xi) trade and finance,
23 (xii) travel and transportation,
24 (xiii) economic, financial,
25 manufacturing, production, and administrative,
26 (xiv) all government maintenance and
27 operation programs, and

1 (xv) other related statistics.

2 (c) Cooperation.

3 (1) All department and agency heads and
4 government employees required by this Act, or by
5 regulations duly promulgated and adopted by the
6 Department of Commerce and Labor, to provide
7 certain required information, shall inform, submit
8 or provide such information to the Chief, Central
9 Statistics Division, or his/her designee, without
10 delay.

11 (2) Private individuals and businesses shall,
12 unless required by law, provide information on a
13 voluntary basis.

14 (d) Coordinator of Surveys. The Central Statistics
15 Division is empowered to plan, design and execute
16 various types of statistical surveys that are necessary
17 for compilation and publication of the official
18 statistical surveys. Any statistical surveys to be
19 conducted by any branch or subdivision of the CNMI
20 Government shall be approved by the Statistical Advisory
21 Council and coordinated with the CSD prior to
22 undertaking.

23 Section 4. Role and Duties of the Central Statistics
24 Division.

25 (a) Role. The two central roles of the CSD shall
26 be to:

1 (1) collect and provide information required
2 by the CNMI Government and its subdivisions for
3 policy making and program planning and
4 implementation; and

5 (2) to effectively coordinate all phases of
6 statistical activities in the CNMI.

7 (b) Duties. Specific duties of the CSD are:

8 (i) to make such statistical reports as
9 specified in this Act;

10 (ii) to develop and establish statistical
11 policy matters;

12 (iii) to plan, design, and collect the
13 statistical information specified in this Act;

14 (iv) to compile, analyze, abstract and publish
15 official statistics outlined in this Act;

16 (v) to coordinate and provide technical
17 assistance as needed for all statistical activities
18 being carried out in other departments or agencies
19 of CNMI Government;

20 (vi) to define and establish a statistical
21 standard as a basis for official statistics in the
22 CNMI;

23 (vii) to make or construct statistical
24 estimates, forecasts, projections, and models as
25 necessary or appropriate;

26 (viii) to plan, design and undertake censuses
27 and surveys specified in this Act;

1 (ix) to examine, evaluate, and interpret any
2 published or unpublished statistical data as it
3 relates to the CNMI;

4 (x) to plan, design, and undertake statistical
5 education and training through workshops, seminars
6 and conferences for employees of the CNMI
7 Government, and the public as needed;

8 (xi) to serve as the lead agency on
9 statistical matters for the CNMI in contacting and
10 interacting with Federal, State, Territorial, and
11 local agencies, international and regional
12 organizations, and private organizations and
13 citizens;

14 (xii) to plan, design, and carry out research,
15 field studies, experiments, and such other
16 activities for furthering development of
17 statistical sciences;

18 (xiii) with the advice of the Statistical
19 Advisory Council, the Chief of CSD shall have the
20 sole responsibility for deciding the procedures and
21 methods employed in the provision of all statistics
22 produced or compiled by the CSD, including the
23 extent, form, and timing of statistical
24 publications;

25 (xiv) the CSD shall, as soon as practicable,
26 at the end of June of each calendar year, publish

1 an Annual CNMI Statistical Yearbook covering the
2 range of statistics stated in this Act;

3 (xv) the CSD shall, as soon as practicable,
4 publish other statistical reports, such as
5 unemployment statistics, and special census and
6 survey reports as timely as possible;

7 (xvi) in the discretion of the Chief of the
8 Central Statistics Division, to undertake other
9 activities relating to statistical activities as
10 suggested by the Statistical Advisory Council;

11 Section 5. Organization and Staff of the Central
12 Statistics Division.

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

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

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

23 (b) Chief of Central Statistics Division. The
24 Central Statistics Division shall be headed by a Chief
25 of Statistics, appointed by the Director of the
26 Department of Commerce and Labor. The Chief shall
27 perform such duties as may be imposed upon him by law,

1 regulations, or orders of the Director of the Department
2 of Commerce and Labor.

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

11 Section 6. Censuses of Population and Housing and Other
12 Special Censuses.

13 (a) The Central Statistics Division shall be the
14 agency responsible to plan, design and undertake the
15 Decennial Censuses of Population and Housing in
16 collaboration with the U.S. Census Bureau, or the
17 Federal Agency charged with such responsibilities. In
18 addition to the Decennial Censuses of Population and
19 Housing, the CSD shall plan, design and undertake the
20 mid-decade censuses of Population and Housing in the
21 CNMI on or around April 1 in the years ending with 5,
22 i.e. at exact mid-point of the Decennial Censuses. In
23 such undertakings, the CSD may ask and obtain technical
24 and other assistance from the U.S. Bureau of the
25 Census, Washington, D.C. or other agencies.

26 (b) The CSD is empowered to plan, design and
27 undertake other special censuses, including but not
28 limited to Census of Agriculture, Census of

1 Establishments, Industrial Census, Census of
2 Manufacturing, Census of Wholesale and Retail Trade,
3 etc. in collaboration with the U.S. Bureau of the
4 Census or other authorized, appropriate agencies. In
5 all such undertakings, the CSD is to seek the advice of
6 the Statistical Advisory Council concerning the scope,
7 approach, funding and other requirements.

8 Section 7. Confidentiality of Information.

9 (a) Every employee of the CSD before entering
10 his/her duties, shall take and subscribe to a statutory
11 declaration to the effect that he/she will faithfully
12 and honestly fulfill his/her duties as an employee of
13 the CSD in conformity with the requirements of this Act
14 and will not, without express authority, disclose or
15 make known any information or statistical data that are
16 acquired under this Act. Any information or statistical
17 data that are collected primarily for statistical
18 purposes shall be kept for those purposes, and
19 strict confidentiality of information shall be observed.

20 (b) Confidential information obtained from
21 individuals, households, organizations, and other
22 entities, in the process of compilation of statistical
23 data, shall be treated as such.

24 (c) Neither the Chief of Statistics, nor any other
25 officer or employee of the CSD, or any bureau, office,
26 or agency thereof, may, except as otherwise provided by
27 law:

1 (1) use the information furnished under the
2 provisions of this Act for any purpose other than
3 the statistical purposes for which it is supplied;
4 or

5 (2) make any publication whereby the data
6 furnished by any particular establishment or
7 individual under this Act can be identified; or

8 (3) permit anyone other than the sworn
9 officers and employees of the CSD, or bureau,
10 office, or agency thereof to examine the individual
11 reports.

12 (d) No department, bureau, agency, officer, or
13 employee of the Government, except the Director of
14 Commerce and Labor and the Chief of Statistics in
15 carrying out the purposes of this Act, may require, for
16 any reason, copies of census reports or statistical
17 information which have been retained by any such
18 establishment or individual. Copies of census reports
19 and statistical information which have been so retained
20 shall be immune from legal process, and shall not,
21 without the consent of the individual or establishment
22 concerned, be admitted as evidence or used for any
23 purpose in any action, suit or other judicial or
24 administrative proceeding.

25 Section 8. Statistical Advisory Council.

26 (a) Council Established. There shall be a
27 Statistical Advisory Council (Council) established as :

1 consultative body to the CSD on matters of statistical
2 activities. The Council shall also recommend policies,
3 programs and procedures for statistical activities.

4 (b) Functions. The functions of the Council shall
5 include:

6 (i) the review of censuses, surveys and
7 compilation of various statistics;

8 (ii) assistance with the analysis and
9 evaluation of survey results; and

10 (iii) suggestions for the development and
11 improvement of statistics.

12 (c) Membership. The Statistical Advisory Council
13 shall consist of the following members: Lieutenant
14 Governor (Chairman), Special Assistant for Planning and
15 Budget, Director of Commerce and Labor, Director of
16 Health and Environmental Services, Commissioner or
17 Education, Attorney General, Director of Community and
18 Cultural Affairs, Executive Director of Commonwealth
19 Ports Authority, Director of Natural Resources, Director
20 of Public Safety, Director of Finance, Special Assistant
21 for Women's Affairs, President of Northern Marianas
22 College, Mayor of Saipan, Mayor of Rota, Mayor of
23 Tinian, Mayor of Northern Islands, and three members
24 from the private sector, appointed by the Governor,
25 including one (1) representative of the Saipan Chamber
26 of Commerce.

1 Section 9. Authorization of Appropriations. There is
2 authorized to be appropriated, out of the Treasury of the
3 CNMI, such sums as may be necessary to carry out the
4 provisions of this Act.

5 Section 10. Procurement of Professional Services. The
6 Chief of the Central Statistics Division, with the express
7 authority of the Director of the Department of Commerce and
8 Labor, and subject to budgetary appropriation, shall have the
9 authority to contract with educational and other research
10 organizations for the preparation of reports and materials
11 of a similar nature.

12 Section 11. Penalties.

13 (a) Whoever, being over eighteen years of age,
14 refuses or willfully neglects, when requested by the
15 Director of the Department of Commerce and Labor, the
16 Chief of Statistics, or any other authorized officer,
17 employee, or agent of the CSD, to answer, to the best of
18 his/her knowledge, any of the questions on any schedule
19 submitted to him/her in connection with any statistical
20 collection, census, or survey provided for by this Act,
21 applying to himself/herself or to the family to which
22 he/she belongs or is related, or to the farm or farms of
23 which he/she or his/her family is the occupant, shall be
24 fined not more than \$100.00.

25 (b) Whoever, when answering questions authorized
26 for the purposes of carrying out this Act, and under the
27 conditions and circumstances described in subsection (a),

1 of this section, willfully gives any answer that is
2 false, shall be fined not more than \$500.00.

3 (c) Notwithstanding any other provision of this
4 Act, no person shall be compelled to disclose
5 information relative to his/her religious beliefs or
6 membership in a religious body.

7 (d) Whoever, either directly or indirectly, offers
8 or renders to any officer or employee of the Department
9 of Commerce and Labor, the CSD, or other bureau or
10 agency thereof engaged in making an enumeration of
11 population, any suggestions, advice, information or
12 assistance of any kind, with the intent or purpose of
13 causing an inaccurate enumeration of population shall be
14 fined not more than \$1,000.00 or imprisoned for not more
15 than one (1) year or both.

16 (e) Whoever, being the owner, proprietor, manager,
17 superintendent, or agent of any hotel, apartment house,
18 boarding or lodging house, barracks, tenement, or other
19 building, refuses or willfully neglects, when requested
20 by the Director of the Department of Commerce and Labor,
21 the Chief of Statistics, or by any other office, bureau,
22 or agency thereof, acting under the authority of this
23 Act, to furnish the names of the occupants of such
24 premises, or to give free ingress and egress therefrom
25 to any duly accredited representative of such
26 Department, the CSD, or office, bureau or agency
27 thereof, so as to permit the collection of statistics as

1 provided for in this Act, or any survey authorized by
2 this Act, including, when relevant to the statistical
3 collection or survey being taken or made, the proper and
4 correct enumeration of all persons having their usual
5 place of abode in such premises, shall be fined not more
6 than \$500.00.

7 (f) Whoever, being the owner, official agent, the
8 person in charge, or assistant to the person in charge,
9 of any company, business, institution, establishment,
10 religious body or organization of any nature whatsoever,
11 neglects or refuses when requested by the Department of
12 Commerce and Labor, the CSD, or other authorized
13 officer, agent, or employee thereof, to answer
14 completely and correctly to the best of his/her
15 knowledge all questions relating to his/her company,
16 business, institution, establishment, religious body, or
17 other organization, or to records or statistics in
18 his/her official custody, contained in any census or
19 other schedule or questionnaire prepared and submitted
20 to him/her under authority of this law, shall be fined
21 not more than \$500.00; and if he/she willfully gives a
22 false answer to any such question he/she shall be fined
23 not more than \$2,000.00 or imprisoned for not more than
24 five (5) years, or both.

25 (g) Whoever, being an employee of CSD and having
26 taken and subscribed the oath of office in accordance

1 with Section 7(a) of this Act, neglects or refuses,
2 without justifiable cause, to perform the duties
3 required of such employee by this Act shall be fined not
4 more than \$500.00.

5 (h) Whoever, being an officer, agent, or employee
6 referred to in this Act, willfully and knowingly swears
7 or affirms falsely to the truth of any statement
8 required to be made or subscribed by him/her under oath
9 by or under authority of this Act, shall be guilty of
10 perjury, and shall be fined not more than \$2,000.00 or
11 imprisoned not more than five (5) years, or both.

12 (i) Whoever, being an officer or employee referred
13 to in this Act:

14 (i) willfully and knowingly makes a false
15 certificate or fictitious return; or

16 (ii) knowingly or willfully furnishes or
17 causes to be furnished, or, having been such an
18 officer or employee, knowingly or willfully
19 furnished or caused to be furnished, directly or
20 indirectly, to the Director of the Department of
21 Commerce and Labor, the Chief of Statistics, or to
22 any other officer or employee of the Department of
23 Commerce and Labor, or the CSD, or bureau, or
24 office or agency thereof, any false statement or
25 false information with reference to any inquiry for
26 which he/she was authorized and required to collect
27 information provided for in this Act:

1 shall be fined not more than \$2,000.00 or imprisoned not
2 more than five (5) years, or both.

3 (j) Whoever, being or having been an employee or
4 staff member referred to in this Act, having taken and
5 subscribed the oath of office, publishes or communicates
6 any information, the disclosure of which is prohibited
7 by the provisions of this Act, and which comes into
8 his/her possession by reason of his/her being employed
9 (or otherwise providing services) under the provisions
10 of this Act, shall be fined not more than \$5,000.00 or
11 imprisoned not more than five (5) years, or both.

12 Section 12. Administrative Penalties. In addition to
13 any penalty or liability under other law or provisions of
14 this Act, whoever, being or having been an officer, employee
15 or staff member referred to in this Act, violates the
16 provisions of this Act while being employed by the
17 Commonwealth (or otherwise providing services thereto), shall
18 be subject to appropriate administrative discipline,
19 including, when circumstances warrant, suspension from duty
20 without pay, or removal from office.

21 Section 13. Enforcement. The Commonwealth Superior
22 Court shall have jurisdiction over violations of this Act.

23 Section 14. Severability. If any provision of this
24 Act, or its application to any person or circumstances is
25 held invalid, the invalidity does not affect other provisions
26 or applications of the act which can be given effect without

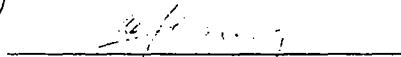
1 the invalid provisions or applications, and to this end the
2 provisions of this Act are severable.

3 Section 15. Effective Date. This Act shall take effect
4 upon approval by the Governor, or upon its becoming law
5 without such approval.

CERTIFIED AND ATTESTED TO BY:

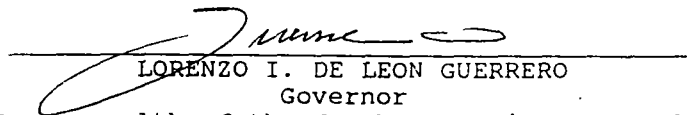


LUIS C. BENAVENTE
Acting Speaker
House of Representatives



EVELYN C. FLEMING
House Clerk

APPROVED this 9th day of AUG., 1991



LORENZO I. DE LEON GUERRERO
Governor
Commonwealth of the Northern Mariana Islands