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**BILL ANALYSIS**

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Senate Bill 401 (as introduced 5-29-13)  
Sponsor: Senator Randy Richardville  
Committee: Government Operations

Date Completed: 6-4-13

**CONTENT**

The bill would amend the Art Institute Authorities Act to require an art institute to adhere to the Code of Ethics for Museums published by the American Alliance of Museums or a successor organization.

The Act defines "art institute" as an encyclopedic art museum whose primary art collection and facility, at the date an art institute authority is established, are owned by a municipality located in Michigan. (The Act authorizes a county to form an art institute authority and, with voter approval, to levy a tax of up to 0.2 mill for up to 20 years on all taxable property in the county, with the revenue to be used exclusively for the benefit of an art institute.)

Proposed MCL 123.1231

**BACKGROUND**

The American Association of Museums, founded in 1906, changed its name to the American Alliance of Museums (AAM) in 2012. The AAM describes itself as "the one organization that supports all museums". The Alliance includes, among others, art museums, history museums, aquariums, zoos, botanical gardens, historic sites, and science and technology centers.

According to the AAM website, the American museum community is committed to continually identifying and achieving the highest standard of legal and ethical policies and practices. The current standards, best practices, and ethics from the field include the AAM Code of Ethics for Museums, each museum's institutional code of ethics and mission, the Alliance's Standards and Best Practices for U.S. Museums, and the Alliance's accreditation program requirements.

The Code of Ethics for Museums was adopted by the board of directors of the American Association of Museums in 1993. The Code of Ethics consists a narrative regarding the role and responsibilities of museums, and separate sections pertaining to governance, collections, and programs.

The section of the Code on governance contains a number of assurances by the governing authority of a museum, including an assurance that "the museum's collections and programs and its physical, human and financial resources are protected, maintained and developed in support of the museum's mission".

The section on collections states: "The distinctive character of museum ethics derives from the ownership, care and use of objects, specimens, and living collections representing the world's natural and cultural common wealth. This stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility and responsible disposal." The museum makes a number of assurances, including the following:

- Collections in its custody support its mission and public trust responsibilities.
- Collections in its custody are lawfully held, protected, secure, unencumbered, cared for, and preserved.
- Acquisition, disposal, and loan activities conform to its mission and public trust responsibilities.
- Disposal of collections through sale, trade, or research is solely for the advancement of the museum's mission.

The last assurance also states, "Proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections."

In an afterword, the Code of Ethics states, "Each nonprofit museum member of the American Association of Museums should subscribe to the AAM Code of Ethics for Museums. Subsequently, these museums should set about framing their own institutional codes of ethics, which should be in conformance with the AAM code...".

In addition, the eligibility criteria for accreditation by the American Alliance of Museums require a museum to demonstrate that it meets the Characteristics of Excellence for U.S. Museums. The Characteristics of Excellence, in turn, require the museum to meet standards regarding an institutional code of ethics. According to those standards, all museums are required to have a formally approved, separate, and distinct institutional code of ethics, which must be consistent with the Alliance's Code of Ethics for Museums.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.