



City of Commerce City

Public Art Collection Management and Conservation Plan

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PUBLIC ART COLLECTION MANAGEMENT AND CONSERVATION PLAN

I. INTRODUCTION

The collection of art commissioned by and belonging to the City of Commerce City includes artwork commissioned by Public Art Program funds, donated artworks and historic works of art installed on Commerce City property. These works are considered assets of the City of Commerce City and it is a critical function of the Public Art Program to ensure the care, conservation and preservation of these assets through regular maintenance, inventory, condition assessment and conservation.

II. PUBLIC ART COLLECTION ORIGINS AND EXEMPTIONS

The collection of public art in Commerce City is growing quickly since the Public Art Program was initiated by the City in 2013. Since that time, works of art have been commissioned in accordance with the Public Art Master Plan (2013). The City of Commerce City also owns several large outdoor sculptures and other works of art commissioned or purchased by the City prior to the Public Art Program. These works of art in public spaces will require more regular conservation and maintenance because they are subjected to the elements as well as damage from the exposure to the public. These outdoor sculptures and public art projects regardless of when and how they were commissioned are automatically included and covered by this Public Art Collection Management and Conservation Plan.

The City of Commerce City also owns a number of works of art that are housed inside at the Civic Center Building in areas that are less accessible to the public. Many of these works of art were created by students and Commerce City residents and were installed for the opening of the Civic Center Building in 2007. These works of art are not automatically covered by the recommendations of this Public Art Collection Management and Conservation Plan. It will be the decision of the Commerce City Cultural Council as to whether to consider these works “public art” covered by this Public Art Collection Management and Conservation Plan on a case-by-case basis.



III. ROLE OF CULTURAL COUNCIL*

On a yearly basis, the Cultural Council will initiate an assessment of all works of art in the Commerce City collection. The purpose of the assessment is to develop a condition report that represents the current state of the artwork. The Cultural Council will provide City Council with an annual report of the current inventory of public artwork and condition assessment.

The Cultural Council may request professional conservation of all works of art in a planned and orderly manner and, based on available funds, provide any services necessary for the preservation and/or restoration of the artwork. All conservation will be coordinated with the staff public art liaison. The Cultural Council shall be responsible for providing the city's Finance Department with an updated inventory of all public artwork in possession of the city, in order to ensure that insurance coverage is maintained by the city. The Cultural Council shall develop a strategy to create and build a conservation fund to cover expenses for conservation of the public art in Commerce City. The Cultural Council shall advise City Council about the storage of permanent collections and public artwork for temporary and/or rotating exhibitions, or public artwork that may be appropriate to lend to other entities. The Cultural Council shall utilize commissioned artists to create schedules or plans, in order to provide for upkeep and maintenance of artwork.

IV. PUBLIC ART COLLECTION MANAGEMENT DEFINITIONS

- **Maintenance:** A routine effort to keep a work of public art in its intended condition by examination, cleaning, and removal of debris from the site.
- **Conservation:** A profession devoted to the preservation of cultural property for the future. Conservation activities include examination, documentation, treatment, and preventive care, supported by research and education.
- **Preservation:** Actions taken to retard or prevent deterioration or damage in works of art, and to maintain them in as unchanging a state as possible.
- **Restoration:** Treatment procedures intended to return cultural property to a known or assumed state, often through the addition of non-original material.

V. COLLECTION DATABASE

An electronic database, with coordinating files on each artwork owned by the City of Commerce City will be maintained and updated regularly throughout each year as artworks are added to the collection and maintenance procedures are completed. The City of Commerce City shall appoint a staff liaison or consultant to keep this database current. This database contains the following information:

- a unique accession number for the artwork;
- curatorial information: title of the artwork, year of completion and dedication (if known), name of the artist (if known), cost of commission (if known), description of artwork, location of artwork (including GPS coordinates or latitude and longitude) and other information, as needed;
- conservation information: materials of artwork, fabrication details, engineering documents, installation specifications, maintenance handbook and recommendations;
- administrative and historic information: artist's contract, payment and budget information, permits, subcontractor information, insurance information, dedication materials, press and biographical information; and
- photographic documentation: digital or photographic files on artist, fabrication, installation, engineering drawings, artist's sketches, proposals, press shots, and documentation for maintenance and conservation purposes.



VI. ANNUAL CONDITION SURVEY

Each year, in preparation for annual budget submissions, the City of Commerce City Cultural Council shall require the staff public art liaison or consultant to conduct a survey of the entire public art collection. It is recommended that the survey be conducted by someone who is familiar with public art materials and methods, as well as someone who can identify problems and assess conditions of the collection. This serves as an important resource for the staff public art liaison to determine its annual budgetary needs and priorities, and better maintain the public art collection for generations to come.

A. Condition Survey Procedure

It is recommended that the condition survey be conducted by someone familiar with the methods and materials of public art. Each artwork in the collection shall be reviewed every year to gather the following information:

1. Physical inspection: Each of the works of art shall be inspected in-person to identify current condition of the artwork:
 - **Excellent:** Artwork was installed recently and is in perfect condition or recently cleaned/ repaired/inspected and has no cleaning or maintenance needed until the next condition survey.
 - **Good:** Artwork is in good overall condition but needs minor cleaning or conservation work. This artwork can be put on a waitlist for one year without major damage to the work of art.
 - **Fair:** Artwork is compromised and in need of immediate repair, cleaning, restoration within the year. A high priority for funding within the year.
 - **Poor:** Artwork is so compromised or in disrepair that it needs immediate restoration or to be deaccessioned for public safety reasons.
2. Photographs: Photos of artwork condition will be gathered and put into the database. Photographs will document all visible repair/cleaning/restoration needed and become part of the Condition Report.
3. Condition Report: A condition report with title, artist, year installed and materials including assessment of current condition will be filed with the staff public art liaison.

B. Maintenance Budget Recommendations

The Condition Survey will serve as the basis of a yearly budget recommendation for maintenance of the collection. The budget is created by the staff public art liaison (or consultant) and presented to the Commerce City Cultural Council for their discussion and approval. Upon approval, the budget recommendation will move to City Council for their approval.

VII. MAINTENANCE, CONSERVATION/RESTORATION WORK PROCEDURE

“The staff public art liaison or his/her designee will arrange for the maintenance and/or conservation of all works of art in a planned and systematic manner and arrange for qualified professional conservation services necessary to the preservation and/or restoration of the artwork subject to available funds. In all cases, when soliciting maintenance or conservation work on a work of art in the Commerce City collection, the contractor/staff liaison shall follow the following procedure for procuring a bid for maintenance and/or restoration services:

- A.** Contact the artist: If the artist is still living or their estate is still active, the artist or estate must be contacted prior to doing any repair or conservation work. This is a required step, since the Visual Artist Rights Act of 1990 (VARA) protects the artist’s copyright.* “VARA exclusively grants authors of works that fall under the protection of the Act the following rights:
- The right to claim authorship;
 - The right to prevent the use of one's name on any work the author did not create;
 - The right to prevent use of one's name on any work that has been distorted, mutilated, or modified in a way that would be prejudicial to the author's honor or reputation; and
 - The right to prevent distortion, mutilation, or modification that would prejudice the author's honor or reputation. (Source: Wikipedia)
- B.** The artist should be sent the latest photos and/or condition report and/or encouraged to inspect the artwork on their own. If the work required is determined to be minimal, the artist may request that the work be done by someone else in accordance with his/her instructions or according to their maintenance manual (provided when the artwork was accepted into the collection). If the artist wishes to do the required conservation or repair work, they will provide a bid and schedule to perform the work. If they do not wish to do the required conservation or repair work, they can recommend a consultant to provide the service. If the City requires a bidding process, this is a specialty situation requiring a sole source contract because of the VARA laws.
- C.** If the artist is not alive and there is no estate controlling the artist’s body of work, or the artist does not want to oversee the required conservation or repair work shall be conducted by a contractor. Normally, this means a conservation professional (preferably with Professional Associate status through the American Institute for Conservation), or otherwise qualified and credible restorer. Similar to above, the contractor should be sent the latest photos and/or condition report and/or encouraged to inspect the artwork on their own. If the city requires a bidding process, the bidder who is most experienced in repair or conservation in the medium shall be selected.
- D.** A record of all repairs/maintenance/conservation shall be kept on file with the staff public art liaison.

(*See Appendix for VARA language.)

VIII. FUNDING FOR MAINTENANCE AND CONSERVATION

Maintenance and conservation efforts shall be funded primarily with funds set aside from the official Public Art Program budget according to the Master Plan (2013). On a yearly basis, City Staff can recommend the expenditure of public art funding to its desired budget for maintenance needs. This budget proposal shall be approved by the Commerce City Cultural Council. The City can also request matching funds from other departments, grants and other programs on a case-by-case basis. The Public Art Program can also solicit private funding or grants for conservation and maintenance funds to supplement its annual budget.

IX. DEACCESSIONING WORKS OF ART*

On occasion, the Cultural Council or city may decide to relocate or remove artwork from their collection. This will be done according to established processes and procedures.

A. Definitions

- Deaccessioning is the removal of an artwork from the collection.
- Relocation is moving an artwork and re-siting it in a more advantageous location, if the original site is no longer suitable.
- Disposal refers to actions that result in the cessation of ownership and possession of an artwork. It ultimately may refer to destruction of the artwork, after appropriate deaccessioning procedures are followed.



B. Process

Deaccessioning is accomplished through the following process:

- The Commerce City Cultural Council shall initiate a review process for deaccessioning or relocating artwork, as part of the regular care and management of Commerce City's public art collection.
- The art selection committee that approves acquisition of the artwork will reconvene, if feasible, to review the request for deaccessioning or relocation.
- If not feasible, the Commerce City Cultural Council, or its designee, will convene a committee, which shall consist of a community representative and professional expertise, to develop recommendations regarding deaccessioning or relocating the artwork under review.
- The committee's recommendations will be referred to City Council for review and action.
- A request to review a work of art may be submitted by the artist, a member of the Commerce City community, or an outside party.

A request to review the relocation of artwork commissioned for a specific site will be considered for one or more of the following reasons:

- The site is being eliminated or changed, and the artwork is no longer suitable.
- Security of the artwork can no longer be ensured.
- The artwork endangers public safety.
- The aesthetic integrity of the artwork cannot be maintained or cannot be maintained for a reasonable cost.

A request to deaccession shall include:

- The reason deaccession is requested.
- The estimated current value of the work.
- The acquisition method and cost.
- Written evaluation from disinterested and qualified professionals, such as an engineer, conservator, architect, safety expert, or art historian.
- Photographs that depict the current condition of the work.
- Artist's contract or any other relevant agreement concerning the artist's rights.
- Written recommendations of other concerned parties, including Commerce City community members, the artist, and an outside party.
- Estimated cost to deaccession an artwork and identification of the funding source for deaccessioning.

- Written correspondence concerning the work. If deaccessioning or disposal of an artwork is being contemplated, the review committee shall make a recommendation based on these policies, and the following information shall be reviewed and discussed at a public meeting:
- Discussion of the recommendation with the artist, if s/he can be notified by reasonable means.
- Written opinions of several independent professionals (conservators, architects, engineers, safety experts, art historians, etc.) qualified to make such recommendation.
- Review of all public comment and debate evidence.
- If no recommended solutions or other reasonable measures exist to address concerns, Commerce City shall consider the removal or disposal of the work.

Excluding works bound by any prior contractual agreement between Commerce City and the artist or donor at the time of acquisition, deaccessioned works may be disposed of in the following manner:

- Current market value payment to the original artist or his/her heirs.
- As a gallery consignment.
- At auction, in accordance with the standard practice with a predetermined opening bid.

After exhausting the above-listed disposal methods, ownership may be transferred without consideration to:

- The artist or the estate of the artist.
- A non-profit agency.
- A government agency.

Funds received from the sale of deaccessioned art shall be utilized by the Commerce City Cultural Council for future purchase of public art selected, per the process articulated in the Public Art Master Plan for Commerce City.



Commerce City Public Art Database

Artwork Title	Year Installed	Public Art Accession ID Number	Location	Coordinates	Interior/Exterior	Artist Last Name	Artist First Name	Artist Location	Artist Contact Information	Artist Website	Type of Art	Medium	Plaque Yes/No	Current Estimated	Artwork Con	Condition Assessment 2.2020	Treatment Priority 2.2020
Buffalo Run	1996	1996.1	"Buffalo Run Golf Course, 15700 E 112th Ave."	Latitude: 39.899356. Longitude: -104.804189	EXT	Barnes	Cloyd	Centennial, CO	303-741-2870	Deceased 2015	Sculpture	Cast bronze	Yes	Not available	Good	Surface dirt and grime; Broken lighting.	Medium
Untitled Pool Mural (Underwater Scene)	1999	1999.1	Eagle Pointe Recreation Center, Pool Interior	Latitude: 39.806456 Longitude: -104.928270	INT	Price	Mark and N. Brown	unknown	unknown	unknown	Mural	Paint on Brick	No	Not available	Good	Surface dirt.	Low
Game Point	2003	2003.1	Eagle Pointe Recreation Center, North Side of Building Recreation Center, 6060 Parkway Dr.	Latitude: 39.807006 Longitude: -104.928782	EXT	Caroselli	Marianne	Fair Oaks Ranch, TX	"830-981-4544, artist@gvtc.com"	http://www.mcaroselli.com/	Sculpture	Cast bronze	Yes	\$55,000.00	Good	"Surface dirt and grime; needs clean and wax . have been cleaned in recent years."	Low
Cockelbur	2004	2004.1	"Southwest corner of Monaco St. and E. 60th Ave."	Latitude: 39.805483 Longitude: -104.913137	EXT	Purchase from Bronze-Depot	N/A	Orlando FL, 321-804-4642	321-804-4642	bronzedepot1@aol.com	Sculpture	Cast bronze	No	\$5,000.00	Poor	Surface dirt; and grime; Patina failing, sculpture has turned green	High
Untitled (Crane Mural)	2008	2008.1	"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896689	INT	Scadden	Iris J.	Commerce City, CO	ijscadden@yahoo.com	http://irisjscadden.weebly.com/	Painting	Acrylic on panel	No	Not available	Good	Surface grime and chips at bottom; stains where accessible to public.	High
Untitled (14 Birds)	2008	2008.2	"CC Civic Center, 7887 E. 60th Ave., City Manager Office Lobby"	Latitude: 39.806207 Longitude: -104.896688	INT	Scadden	Iris J.	Commerce City, CO	ijscadden@yahoo.com	https://irisjscadden.weebly.com/miscellania.html	Wall sculpture	Mixed media	No	Not available	Poor	Major surface dirt, grime and accretions; Acrylic rods are failing	High
Determination	2014	2014.1	Fairfax Park, 6850 Fairfax Dr.	Latitude: 39.899715 Longitude: -104.825756	EXT	Weiner	Joshua	Denver, CO	"303-908-2396, flowcus@gmail.com"	http://www.joshua.wiener.com/	Sculpture	"Powder coated aluminum and stainless steel"	Yes	\$133,000.00	Fair	Plaque is destroyed and some graffiti and stickers	Medium
In the Wind	2016	2016.1	Pioneer Park, E. 60th Ave between Quebec and Monaco streets	Latitude: 39.805530 Longitude: -104.916917	EXT	Michael Clapper	Michael	Denver, CO	(303) 521-2044 mike@michaelclapperstudios.com	michaelclapperstudios.com	Sculpture	powder coated aluminum, carbon fiber and stainless steel	Yes	\$74,500.00	Fair	Aluminum coating is peeling at top; remove and replace	Medium
Rendition	2017	2017.1	Turnberry Park, 10725 Wheeling St, Commerce City, CO 80022	Latitude: 39.890905 Longitude: -104.832698	EXT	Wilbar	John	Pueblo, CO	"719-542-1370 johnwilbar@gmail.com"	http://www.johnwilbar.com/	Sculpture	Wood, fiberglass, stucco and paint	Yes	\$5,000.00	Fair	Paint is failing/cracks where fiberglass is visible	Medium
Matrix	2017	2017.2	Turnberry Park, 10725 Wheeling St, Commerce City, CO 80022	Latitude: 39.890196 Longitude: -104.831588	EXT	Wilbar	John	Pueblo, CO	"719-542-1370 johnwilbar@gmail.com"	http://www.johnwilbar.com/	Sculpture	Wood, fiberglass, stucco and paint	Yes	\$5,800.00	Fair	Paint is failing/cracks where fiberglass is visible	Medium
Spyra Gyra	2017	2017.3	Villages East Park, Chambers Rd & E 116th Ave	Latitude: 39.907116 Longitude: -104.808907	EXT	Jaramillo	Jerry	Northglenn, CO	jj1artist@comcast.net – (303) 252- 4530	http://jerryjaramillo.net/	Sculpture	Fiberglass	Yes	\$8,500.00	Good	Fiberglass is cracking and base needs re-caulking	Medium
Steward's Ship (2 sculptures)	2018	2018.1	Bison Ridge Ext. Recreation Center, 13905 E 112th Ave	Latitude: 39.899715 Longitude: -104.825756	EXT	Weiner	Joshua	Boulder, CO	flowcus@gmail.com	http://www.joshuawiener.com/	Sculptures (2)	powder-coated aluminum, tree, steel, core-ten steel, rope, lights	Yes	\$155,000.00	Excellent	Good Condition; re-tie knot clean dust from Sculpture	Low

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Happiness Runs	2018	2018.2	Bison Ridge Ext. Recreation Center, 13905 E 112th Ave	Latitude: 39.901437 Longitude: -104.825916	INT	King	John	Lyons, CO	303-823-6828 john1king2@msn.com	https://www.johnkingarts.com/	Suspended sculptures	mild steel tubing and rod with polished galvanized steel sheet.	No	\$45,000.00	Excellent	Excellent condition	Low
Spinning	2018	2018.3	Bison Ridge Lobby Recreation Center, 13905 E 112th Ave	Latitude: 39.901375 Longitude: -104.825861	INT	King	John	Lyons, CO	303-823-6828 john1king2@msn.com	https://www.johnkingarts.com/	Wall sculpture	mild steel tubing and rod with polished galvanized steel sheet.	No	\$45,000.00	Excellent	Excellent condition	Low
Trailblazers (3 sculptures)	2018	2018.4	Bison Ridge Interior Hall Recreation Center, 13905 E 112th Ave	Latitude: 39.899356 Longitude: -104.804189	EXT	Kennell	Don	Santa Fe, NM	donkennell@gmail.com	donkennell.com	Sculptures (3)	Corten steel and aluminum	Yes	\$100,000.00	Excellent	Excellent condition	Low
Community Circle	2018	2018.5	Eagle Pointe Recreation Center, 6060 Parkway Dr. North Exterior	Latitude: 39.806456 Longitude: -104.928584	EXT	Cameron	Lisa	Fort Collins, CO	lisa@lisajcameron.com	LisajCameron.com	Wall sculpture	Staineless Steel	Yes	\$25,000.00	Excellent	Excellent condition	Low
Swirling Bird Flight	2018	2018.6	Eagle Pointe Recreation Center, 6060 Parkway Dr. Lobby	Latitude: 39.806788 Longitude: -104.928575	INT	Swanson	Reven Marie	Boulder, CO	chinacatsunflwr@earth-link.net	http://www.revenswanson.com/	Suspended sculptures and motor	Glass	Yes	\$70,000.00	Excellent	Excellent condition	Low
Fronterra Salon des Clases	2020	2020.1	Fronterra Park	Latitude: 39.880410 Longitude: -104.802872	EXT	Cameron	Lisa	Fort Collins, CO	lisa@lisajcameron.com	lisajCameron.com	Wall sculpture	Stainless steel frame and cage and sculptural elements, rocks	Yes	\$28,000.00	Excellent	Excellent condition	Low
Cottonwood Leaf	2020	2020.2	Tower Road Median	Latitude: 39.861837, Longitude: -104.772361	EXT	Horst	Mark	Albuquerque, NM	horst.mark@gmail.com	https://markhorststudio.com/	Sculpture	Painted steel	Yes	45000 approx	Excellent	Excellent condition	Low
Blue Grama Grass	2020	2020.3	Tower Road Median	Latitude: 39.861837, Longitude: -104.772362	EXT	Horst	Mark	Albuquerque, NM	horst.mark@gmail.com	https://markhorststudio.com/	Sculpture	Painted steel	Yes	45001 approx	Excellent	Excellent condition	Low
Milkwood Leaf	2020	2020.4	Tower Road Median	Latitude: 39.861837, Longitude: -104.772363	EXT	Horst	Mark	Albuquerque, NM	horst.mark@gmail.com	https://markhorststudio.com/	Sculpture	Painted steel	Yes	45002 approx	Excellent	Excellent condition	Low
Untitled (Buffalo Stained Glass)	Un-known	19xx.1	Eagle Pointe Recreation Center, Senior Center, Recreation Center, 6060 Parkway Dr.	Latitude: 39.806745 Longitude: -104.928925	INT	Unknown	Unknown Students	unknown	unknown	unknown	Stained Glass	Stained Glass	No	Not available	Excellent	Excellent condition	Low
Hope Screen	2006		"CC Civic Center, 7887 E. 60th Ave., City Manager Office Lobby"	Latitude: 39.806207 Longitude: -104.896695	INT	"Tochibara and the 2006 3rd, 4th and 5th grade Central Elementary students"	Hazuki	Commerce City, CO	unknown	unknown	Mixed media	Acrylic, paper, pen on screen	Yes	Not available	Good	N/A	N/A
Untitled (Vertical Aerial)	2008		"CC Civic Center, 7887 E. 60th Ave., Building and Planning Lobby"	Latitude: 39.806207 Longitude: -104.896690	INT	Ramirez	Angela	Commerce City, CO	angelaramir@msn.com	unknown	Mixed media	Batik on cotton and beads	No	Not available	Excellent		N/A
Sand Creek 1913	2008		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896686	INT	Romine	Cori	Commerce City, CO	unknown	unknown	Mixed media	Batik on silk	No	Not available	Fair	N/A	N/A

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Sand Creek 2006	2008		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896687	INT	Romine	Cori	Commerce City, CO	unknown	unknown	Mixed media	Batik on silk	No	Not available	Fair	N/A	N/A
Untitled (Portrait)	2008		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896690	INT	Ramirez	Angela	Commerce City, CO	angelaramir@msn.com	unknown	Mixed media	Batik fabric and acrylic on canvas	No	Not available	Fair	N/A	N/A
12 Landscape Photos	Un-known		"Eagle Pointe? Recreation Center, 6060 Parkway Dr."	Latitude: 39.806207 Longitude: -104.896692	INT	Barton	M.	unknown	unknown	unknown	Photographs	Color photograph	No	Not available	Good	Could not find these	N/A
Silver and Copper Jewelry	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Manager Office Lobby"	Latitude: 39.806207 Longitude: -104.896686	INT	Unknown Students	Unknown Students	unknown	unknown	unknown	Jewelry	Copper and silver	No	Not available	Good	N/A	N/A
Tile Mosaic	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Manager Office Lobby"	Latitude: 39.806207 Longitude: -104.896687	INT	Unknown Elementary and Middle School Students	Unknown Students	unknown	unknown	unknown	Mosaic	Ceramic tile	No	Not available	Good	N/A	N/A
Untitled (Peony)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896686	INT	Unknown	Unknown Students	unknown	unknown	unknown	Painting	Acrylic on canvas	No	Not available	Good	N/A	N/A
Untitled (Farm)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896688	INT	Unknown	Unknown Students	unknown	unknown	unknown	Painting	Acrylic on canvas	No	Not available	Good	N/A	N/A
Untitled (Train)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896689	INT	Unknown	Unknown Students	unknown	unknown	unknown	Painting	Acrylic on canvas	No	Not available	Good	N/A	N/A
Various (pottery)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896692	INT	Unknown Seniors at LAHS	Unknown Students	unknown	unknown	unknown	Sculptures	Pottery	No	Not available	Good	N/A	N/A
Various (small bronze figures)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896693	INT	"Tai-Davis and the 2006 and 2007 Art Classes Advanced Art Class Students at Adams City High School"	Rachel	unknown	unknown	unknown	Sculptures	Cast bronze, silver and pewter	Yes	Not available	Good	N/A	N/A
Wildlife Batiks (three)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Council, Courts and Police Lobby"	Latitude: 39.806207 Longitude: -104.896694	INT	Ramirez & Cori Ramine	Angela	Commerce City, CO	angelaramir@msn.com	unknown	Mixed media	Batik on silk	No	Not available	Good	N/A	N/A

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New Dawn Life on the Prairie	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Manager Office Lobby"	Latitude: 39.806207 Longitude: -104.896691	INT	Paulina & Philip Solis	Lisa	unknown	unknown	unknown	Mixed media	Mixed media	Yes	Not available	Good	N/A	N/A
Untitled (Watercolor Paintings)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Manager Office Lobby"	Latitude: 39.806207 Longitude: -104.896691	INT	Unknown Elementary Students	Unknown Students	unknown	unknown	unknown	Painting	Watercolor	No	Not available	Good	N/A	N/A
Untitled (Snowcap Mountain Scene)	Un-known		"CC Civic Center, 7887 E. 60th Ave., City Manager Office Lobby"	Latitude: 39.806207 Longitude: -104.896687	INT	Pretchel	Don	unknown	"541-517-9900, don.pretchel@gmail.com"	http://www.pretchel fineart.com/	Painting	Acrylic on canvas	No	Not available	Poor	Hole in canvas	N/A

Condition Report

Artwork Title: Buffalo Run

Artist: Barnes, Clyde

Year: 1996

Location: Roundabout at Buffalo Run Golf Club

Date of Report: 1/24/2020

Condition Assessment:

Sculpture is a cast bronze figure of a buffalo running.

The sculpture is a bit dusty, but otherwise in good condition. The four lights at the base of the sculpture are all broken. Since sculpture was visited during the day, it was not possible to tell if the lights are functioning or not.

The sculpture is sited in a roundabout on a granite pedestal in a bed of river rocks. The pedestal has some cracking where grout used to be.

The bronze plaque is intact but needs cleaning.

Maintenance Recommendations:

It would be recommended that a professional bronze conservator look at the sculpture to give an estimate to clean and wax the sculpture. The granite pedestal needs to be re-grouted.

Depending on whether the lights are working, it would be recommended to replace the lighting on all four sides to keep it a lit sculpture at night. Further research and budget would be needed for this.



Condition Report

Artwork Title: Game Point

Artist: Caroselli, Marianne

Year: 2003

Location: North Side of Eagle Pointe Rec Center

Date of Report: 1/24/2020

Condition Assessment:

Artwork is a cast bronze sculpture of a male basketball coach and a young girl holding a basketball.

Sculpture is in good condition. There is some surface dirt and bird guano, but no permanent damage. The bronze plaque is intact.

Base is circular, constructed of cement.

Maintenance Recommendations:

The sculpture is in good condition and would benefit from a cleaning and waxing annually to preserve the patina.



Condition Report

Artwork Title: In the Wind

Artist: Clapper, Michael

Year: 2016

Location: Pioneer Park

Date of Report: 1/24/2020

Condition Assessment:

Sculpture consists of ten stainless steel posts holding a flexible carbon fiber rod holding a powder-coated aluminum kite shape.

The sculpture is in fair condition but needs further assessment from the artist. The polka-dot sheath that wraps a mid-section at the top of the stainless steel section appears to be peeling off in a number of areas.

The stainless steel base rods also have some dings and scratches, probably from lawnmowers.

The plaque is in good condition

Maintenance Recommendations:

The needs to be reviewed by the artist and a bid given to repair the failing "sheaths" at the top. This may require removal of the tops of the sculptures to do an assessment and repairs.



Condition Report

Artwork Title: Cocklebur

Artist: Unknown

Year: 2004

Location: SW corner of Monaco and 60th

Date of Report: 1/24/2020

Condition Assessment:

Sculpture is a cast bronze figure of a horse grazing.

Patina on the horse has deteriorated to the point where the sculpture is now bright green color, almost as if it was painted green. The sculpture is otherwise in good condition with some minor scratches and pock-marks in the bronze.

The site is on the corner of the street, behind a fence and sited in a bed of river rocks.

There is no lighting or signage connected with the installation.

Maintenance Recommendations:

It would be recommended that a professional bronze conservator look at the sculpture to give an estimate to clean and re-patina the sculpture.

Since the sculpture was purchased via a broker back in 2004 for under \$5000 (unknown artist and origin of the original) it might not be cost-effective to save the sculpture, but rather de-accession with the recommendation of the Cultural Council.



Condition Report

Artwork Title: Spyra Gyra (Infinity)

Artist: Jaramillo, Jerry Year: 2017

Location: Villages East Park

Date of Report: 1/24/2020

Condition Assessment:

Sculpture is a metal substructure, wrapped in fiberglass and painted glossy grey. It is on top of a painted steel pedestal atop a concrete base.

The condition of the sculpture is generally good, but there are cracks in the paint and fiberglass that might get worse with more freeze/thaw activity. The grout on the metal base is hardening and deteriorating.

The plaque is in good condition.

Maintenance Recommendations:

The sculpture is in good condition, but it is recommended to patch and buff and re-paint the piece within two years of this assessment according to the artist's instructions. The base, while structurally sound, is discolored where grout is applied and is unsightly.



Condition Report

Artwork Title: Trailblazers (3 sculptures)

Artist: Kennel, Don Year: 2018

Location: Exterior of Bison Ridge Rec Center

Date of Report: 1/24/2020

Condition Assessment:

The sculpture consists of three large bison, sculpted of a steel substructure covered in pounded CorTen Steel and aluminum. Eyes are resin.

The steel is rusting onto the aluminum, but one can assume that this effect is purposeful.

There is no plaque.

Maintenance Recommendations:

The sculptures is in very good condition. A mild power-wash to get bird guano off and dust would be recommended on a yearly basis.



Condition Report

Artwork Title: Happiness Runs

Artist: King, John Year: 2018

Location: Interior of Bison Ridge Rec Center

Date of Report: 1/24/2020

Condition Assessment:

The sculpture consists of mild steel tubing and rod with of with suspended polished galvanized steel sheet that is painted.

Sculpture is hung from the ceiling and can spin from someone who activates the blue "box" on the adjacent wall. There is no plaque.

Maintenance Recommendations:

The sculpture is in very good condition. No maintenance at present except for a weekly dusting of the kinetic piece and wiping it down with soft cloth when needed.



Condition Report

Artwork Title: Spinning

Artist: King, John Year: 2018

Location: Interior of Bison Ridge Rec Center

Date of Report: 1/24/2020

Condition Assessment:

The sculpture consists of mild steel tubing and rod with three disks of polished galvanized steel sheet that is painted.

The disks spin on the wall. There is no plaque.

Maintenance Recommendations:

The sculpture is in very good condition. No maintenance except for a weekly wiping it down with soft cloth



Condition Report

Artwork Title: Community Circle

Artist: Russell, Lisa Year: 2018

Location: Exterior of Eagle Pointe Rec Center

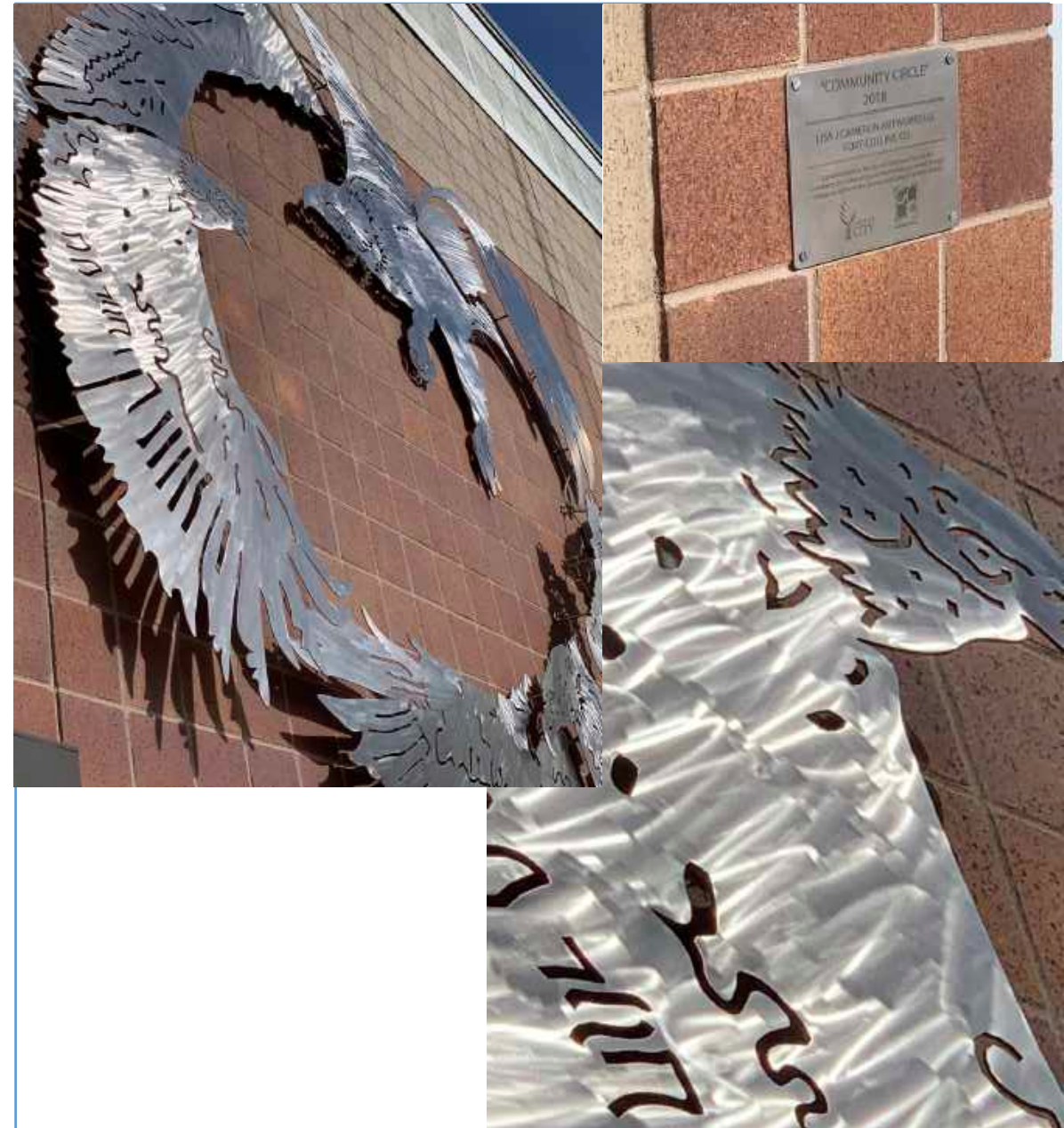
Date of Report: 1/24/2020

Condition Assessment:

The artwork is a brushed, water-cut stainless steel wall-mounted sculpture on the exterior of the pool area at the Recreation Center. The imagery is of three eagles in flight.

Maintenance Recommendations:

The sculpture is in excellent condition. No maintenance is needed at this time, but inspect yearly to check the mounting system as well as the condition of the stainless steel. Light power washing recommended to remove debris from behind sculpture elements.



Condition Report

Artwork Title: Untitled (Lobby Mural and 3D Bird Installation)

Artist: Scadden, Iris

Year: 2008

Location: Civic Center Building Lobby

Date of Report: 1/24/2020

Condition Assessment:

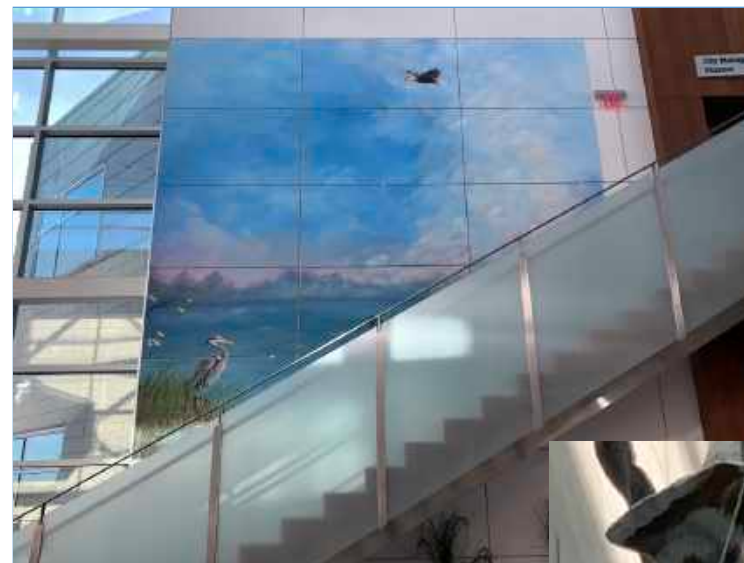
Artwork is mural of paint on particleboard on the south wall of the Civic Center Lobby and fourteen 3D bird sculptures on the north side of the lobby. The painted birds are suspended by acrylic rods and fishing line or some other transparent material.

Mural is in good condition, but there are some surface stains near the stairwell (spilled) and scratches as well. The acrylic wall mounts seem to be holding up well. The 3D bird installation on the north wall is also in good condition, but the birds need to be examined up close for their condition to be fully assessed. The birds need to be dusted. Several of the acrylic rods are bending, and look as though the birds might slide off.

There is no plaque for this work of art.

Maintenance Recommendations:

It is recommended that the artist be contacted to give a bid to clean and repair the damage to the mural as well as advise on the re-installation of the rods holding the birds in place. The sculptural elements need to be dusted, and it would be advised that the artist be hired to conduct this service if she is available. It is also recommended that a plaque be installed to inform people of the title and artist (who is a local Commerce City resident).



Condition Report

Artwork Title: Swirling Bird Flight

Artist: Swanson, Reven Marie Year: 2018

Location: Interior of Eagle Pointe Rec Center

Date of Report: 1/24/2020

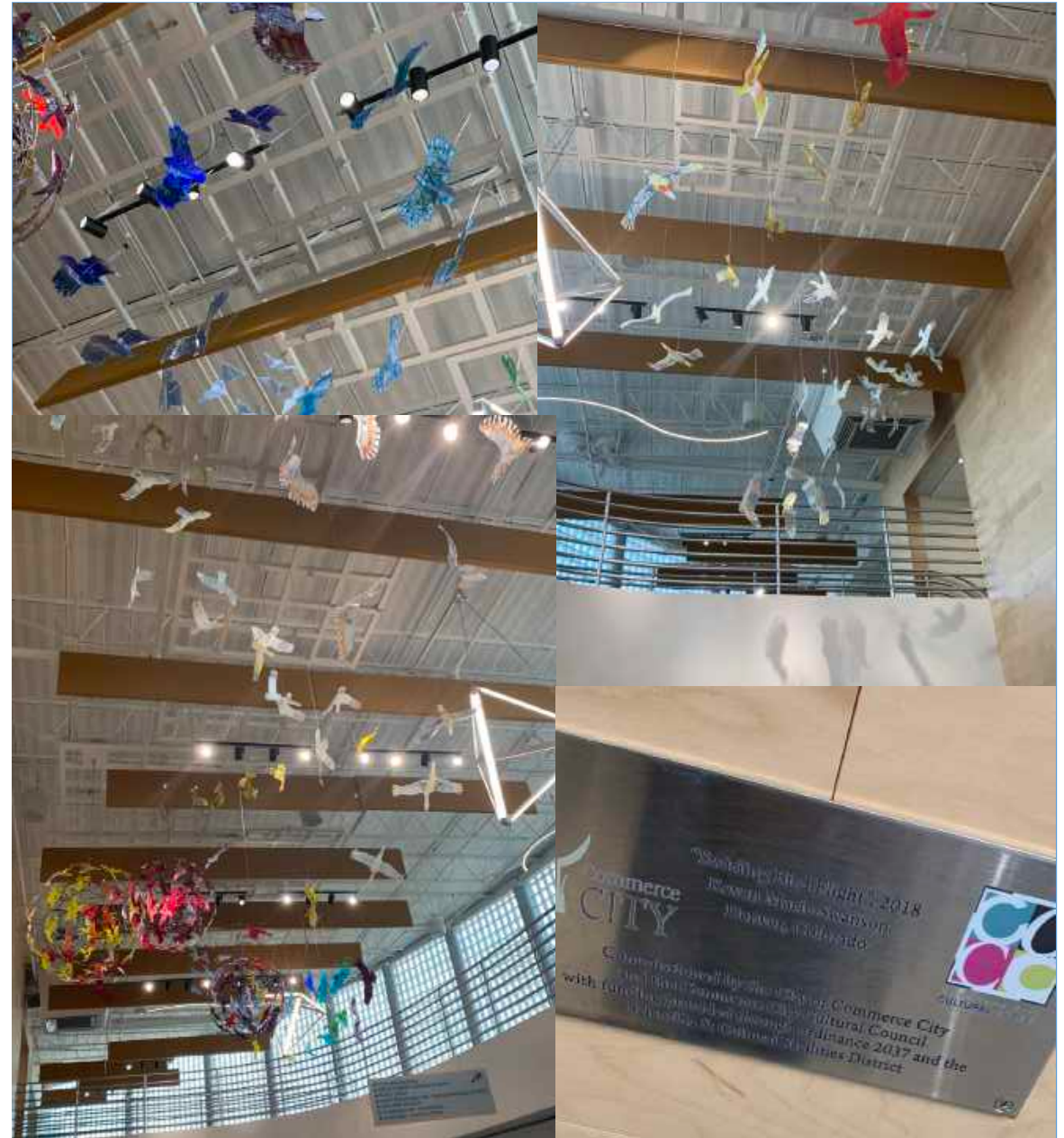
Condition Assessment:

The sculpture consists of cold cast glass birds and suspension frames/balls. The birds are either suspended from frames or on rotating motorized spheres

There is a plaque at the base of the sculpture.

Maintenance Recommendations:

The sculpture is in very good condition. No maintenance is needed at this time, but inspection yearly to consult with the artist to dust and clean the birds and wired is recommended.



Condition Report

Artwork Title: Untitled (Pool Mural)

Artist: Price, Mark

Year: 1999

Location: Wall of Pool Area at Eagle Pointe Rec Center

Date of Report: 1/24/2020

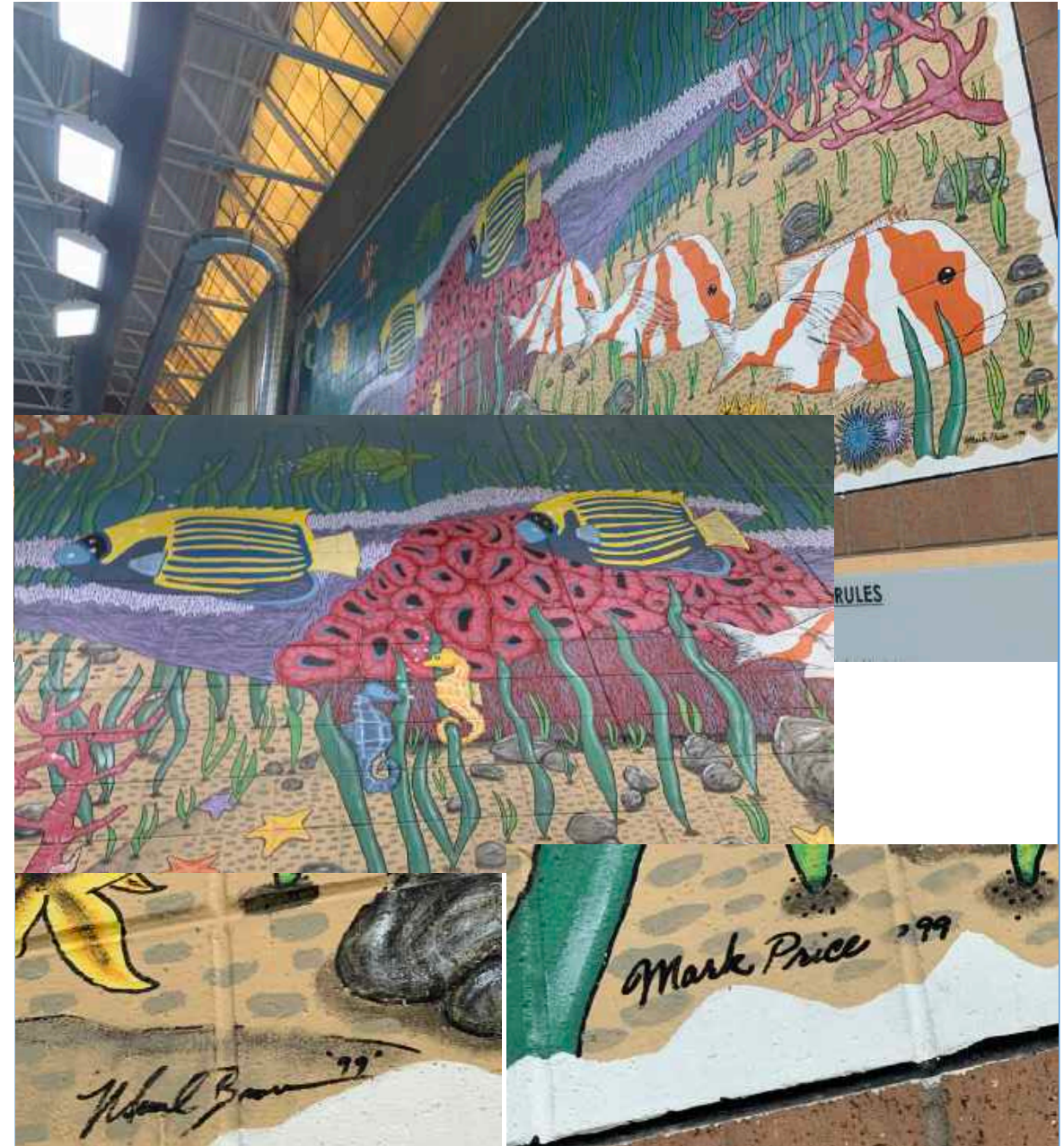
Condition Assessment:

Mural is house paint on a cinderblock wall. It depicts an underwater scene with fish and sea coral.

Mural is in good condition. The bronze plaque is intact but needs cleaning.

Maintenance Recommendations:

There is no recommended maintenance for this mural at this time.



Condition Report

Artwork Title: Determination

Artist: Weiner, Joshua

Year: 2014

Location: Fairfax Park

Date of Report: 1/24/2020

Condition Assessment:

Sculpture consists of several powder-coated mild steel figures depicting baseball players during a game. The sculptures are bolted to concrete footers inside a planter area. Several of the sculptures need to be re-painted due to damage. Some have been “keyed” or tagged with sharp objects. A couple of areas look as though someone has damaged the sculpture by hitting it with a heavy object, like a rock. One sculpture has a sticker affixed that needs to be removed.

There is a plaque that has been totally destroyed and needs replacement.

Maintenance Recommendations:

The sculpture needs to be repaired to stem further graffiti and physical damage from rusting. The artist should be contacted and given an opportunity to do a proposal to remove the sculptures and clean and paint them (or re-powder-coat them).

The plaque should be removed at once and replaced.



Condition Report

Artwork Title: Steward's Ship

Artist: Weiner, Joshua

Year: 2018

Location: Traffic circles outside Bison Ridge Rec Center

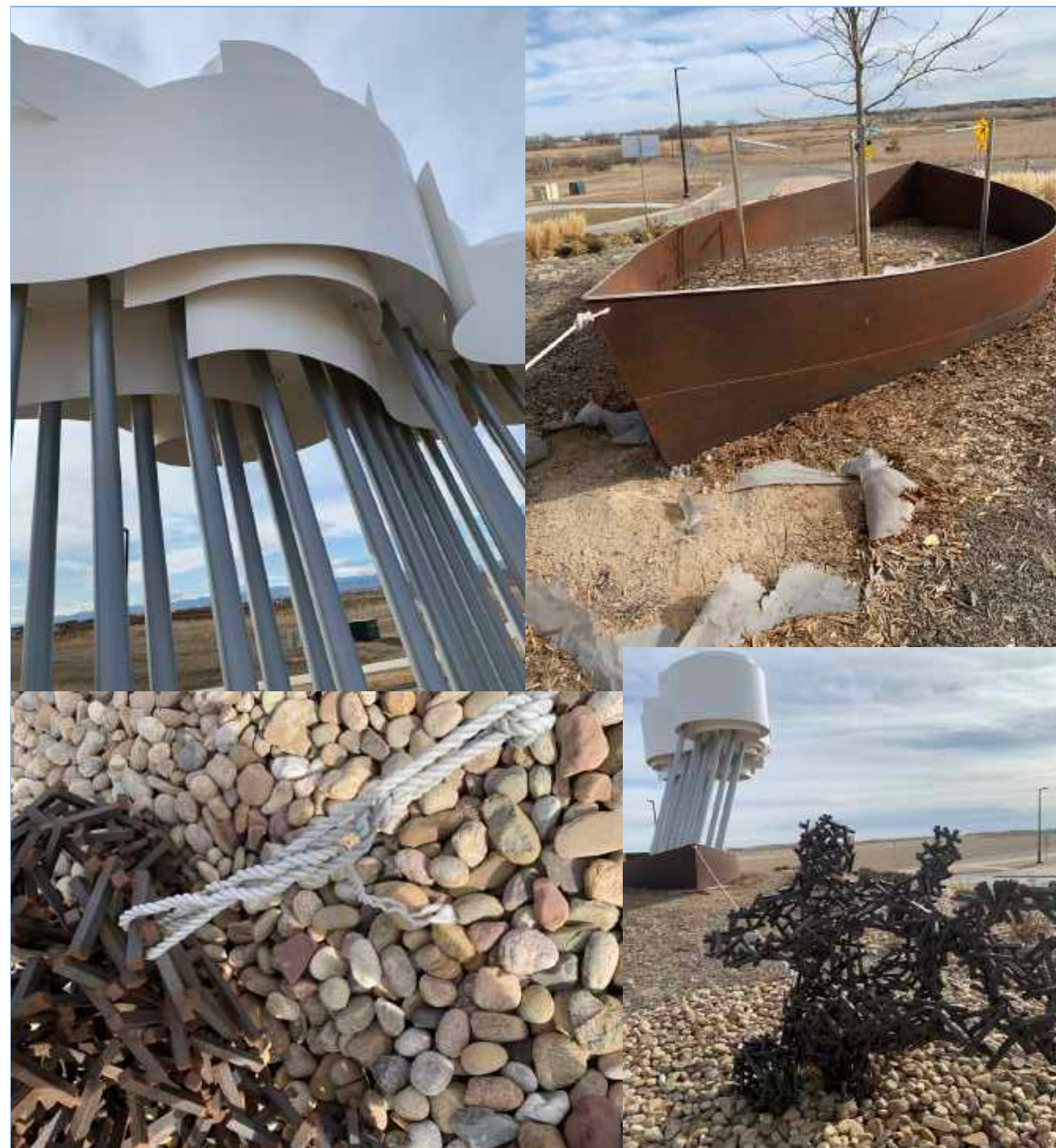
Date of Report: 1/24/2020

Condition Assessment:

The sculpture consists of two separate large installations in the traffic circles. Both consist of elements of CorTen steel (boat structure), powder-coated aluminum and aluminum, steel and rope. There is LED lighting for night. The condition of the sculpture is generally good, but a couple items need to be tended to to make sure the sculpture remains in good shape.

Maintenance Recommendations:

The sculpture is in very good condition. Generally, the pair of sculptures would benefit from cleaning and dusting. The lights should be brushed off periodically to make sure they are achieving maximum light power. The landscaping is failing in some areas, which should be tended to. The stakes for the planted trees should also be removed at some point after they are established (to be assessed by staff arborist). Also one of the ropes needs to be re-knotted.



Condition Report

Artwork Title: Rendition

Artist: Wilbar, John Year: 2017

Location: Turnberry Park

Date of Report: 1/24/2020

Condition Assessment:

Sculpture is a wood structure, wrapped in fiberglass and painted. It is on top of a concrete base.

The condition of the sculpture is generally good, but needs to be repainted where there are cracks and on the south-facing part of the upper curve, the red paint has faded significantly.

The plaque is in good condition

Maintenance Recommendations:

The sculpture is in good condition but it is recommended to re-paint the entire piece within two years of this assessment according to the artist's instructions. The plaque will need to be removed to do the painting and most likely it will need to be removed from its base while paint is curing.



Condition Report

Artwork Title: Matrix

Artist: Wilbar, John Year: 2017

Location: Turnberry Park

Date of Report: 1/24/2020

Condition Assessment:

Sculpture is a wood structure, wrapped in fiberglass and painted. It is on top of a concrete base.

The condition of the sculpture is generally good, but needs to be repainted where there are cracks and the fiberglass is exposed.

The plaque is in good condition

Maintenance Recommendations:

The sculpture is in good condition but it is recommended to re-paint the entire piece within two years of this assessment according to the artist's instructions. The plaque will need to be removed to do the painting and most likely it will need to be removed from its base while paint is curing.



Maintenance Budget 2021-2025

Maintenance and Conservation Five Year Budget Plan	2021	2022	2023	2024	2025
Project Manager (oversees and hires consultants for conservation work to be performed)	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Consultant for Yearly Collection Assessment	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
Poor Condition: Cocklebur patina repaired	\$2,500				
Poor Condition: Untitled Lobby Artwork by Iris Scadden cleaned and repaired, plaque made.	\$2,500				
Good Condition: Buffalo Run Lights replaced; re-caulk base.	\$2,500				
Fair Condition: Repair for In the Wind by Mike Clapper aluminum foil repaired and re-attach kites		\$5,000			
Fair Condition: Matrix and Rendition by John Wilbar repainted		\$2,500			
Spyra Gyra by Jerry Jaramillo buffed and re-painted			\$2,500		
Determination by Joshua Weiner re-painted; plaque re-made			\$2,500		
Estimates for unknown repairs				\$5,000	\$5,000
Annual budget for cleaning, landscape maintenance, materials	\$500	\$500	\$500	\$500	\$500
Annual conservation for bronze Sculptures (300x3)	\$600	\$1,000	\$1,000	\$1,000	\$1,000
Yearly Totals	\$11,100	\$11,500	\$9,000	\$9,000	\$9,000
Five Year Total	\$49,600				

Visual Artists Rights Act of 1990

==TITLE VI — VISUAL ARTISTS RIGHTS==

Contents

- Sec. 601. Short Title.
- Sec. 602. Work of Visual Art Defined.
- Sec. 603. Rights of Attribution and Integrity.
- Sec. 604. Removal of Works of Visual Art from Buildings.
- Sec. 605. Preemption.
- Sec. 606. Infringement Actions.
- Sec. 607. Fair Use.
- Sec. 608. Studies by Copyright Office.
- Sec. 609. First Amendment Application.
- Sec. 610. Effective Date.

SEC. 601. SHORT TITLE.

This title may be cited as the ``Visual Artists Rights Act of 1990``.

SEC. 602. WORK OF VISUAL ART DEFINED.

Section 101 of title 17, United States Code, is amended by inserting after the paragraph defining “widow” the following:

``A “work of visual art” is—

- ``(1) a painting, drawing, print, or sculpture, existing in a single copy, in a limited edition of 200 copies or fewer that are signed and consecutively numbered by the author, or, in the case of a sculpture, in multiple cast, carved, or fabricated sculptures of 200 or fewer that are consecutively numbered by the author and bear the signature or other identifying mark of the author; or
- ``(2) a still photographic image produced for exhibition purposes only, existing in a single copy that is signed by the author, or in a limited edition of 200 copies or fewer that are

signed and consecutively numbered by the author.

“A work of visual art does not include—

“(A)

“(i) any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audiovisual work, book, magazine, newspaper, periodical, data base, electronic information service, electronic publication, or similar publication;

“(ii) any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container;

“(iii) any portion or part of any item described in clause (i) or (ii);

“(B) any work made for hire; or

“(C) any work not subject to copyright protection under this title.”.

SEC. 603. RIGHTS OF ATTRIBUTION AND INTEGRITY.

(a) RIGHTS OF ATTRIBUTION AND INTEGRITY.—

Chapter 1 of title 17, United States Code, is amended by inserting after section 106 the following new section:

“SEC. 106A. RIGHTS OF CERTAIN AUTHORS TO ATTRIBUTION AND INTEGRITY

“(a) RIGHTS OF ATTRIBUTION AND INTEGRITY.— Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art—

“(1) shall have the right—

“(A) to claim authorship of that work, and

“(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

“(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

“(3) subject to the limitations set forth in section 113(d), shall have the right—

“(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

“(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

“(b) SCOPE AND EXERCISE OF RIGHTS.— Only the author of a work of visual art has the rights conferred by subsection (a) in that work, whether or not the author is the copyright owner. The authors of a joint work of visual art are coowners of the rights conferred by subsection (a) in that work.

“(c) EXCEPTIONS.—

“(1) The modification of a work of visual art which is a result of the passage of time or the inherent nature of the materials is not a distortion, mutilation, or other modification described in subsection (a)(3)(A).

“(2) The modification of a work of visual art which is the result of conservation, or of the public presentation, including lighting and placement, of the work is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification is caused by gross negligence.

“(3) The rights described in paragraphs (1) and (2) of subsection (a) shall not apply to any reproduction, depiction, portrayal, or other use of a work in, upon, or in any connection with any item described in subparagraph (A) or (B) of the definition of “work of visual art” in section 101, and any such reproduction, depiction, portrayal, or other use of a work is not a destruction, distortion, mutilation, or other modification described in paragraph (3) of subsection (a).

“(d) DURATION OF RIGHTS.—

“(1) With respect to works of visual art created on or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, the rights conferred by subsection (a) shall endure for a term consisting of the life of the author.

“(2) With respect to works of visual art created before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, but title to which has not, as of such effective date, been transferred from the author, the rights conferred by subsection (a) shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106.

“(3) In the case of a joint work prepared by two or more authors, the rights conferred by subsection (a) shall endure for a term consisting of the life of the last surviving author.

“(4) All terms of the rights conferred by subsection (a) run to the end of the calendar year in which they would otherwise expire.

“(e) TRANSFER AND WAIVER.—

“(1) The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

“(2) Ownership of the rights conferred by subsection (a) with respect to a work of visual art is distinct from ownership of any copy of that work, or of a copyright or any exclusive right under a copyright in that work. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection (a). Except as may otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection (a) with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work.”.

(b) CONFORMING AMENDMENT.—

The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 106 the following new item:

“106A. Rights of Certain Authors to Attribution and Integrity.”.

SEC. 604. REMOVAL OF WORKS OF VISUAL ART FROM BUILDINGS.

Section 113 of title 17, United States Code, is amended by adding at the end thereof the following:

“(d)

“(1) In a case in which—

“(A) a work of visual art has been incorporated in or made part of a building in such a way that removing the work from the building will cause the

destruction, distortion, mutilation, or other modification of the work as described in section 106A(a)(3), and

“(B) the author consented to the installation of the work in the building either before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, or in a written instrument executed on or after such effective date that is signed by the owner of the building and the author and that specifies that installation of the work may subject the work to destruction, distortion, mutilation, or other modification, by reason of its removal,

“then the rights conferred by paragraphs (2) and (3) of section 106A(a) shall not apply.

“(2) If the owner of a building wishes to remove a work of visual art which is a part of such building and which can be removed from the building without the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a)(3), the author’s rights under paragraphs (2) and (3) of section 106A(a) shall apply unless—

“(A) the owner has made a diligent, good faith attempt without success to notify the author of the owner’s intended action affecting the work of visual art, or

“(B) the owner did provide such notice in writing and the person so notified failed, within 90 days after receiving such notice, either to remove the work or to pay for its removal.

“For purposes of subparagraph (A), an owner shall be presumed to have made a diligent, good faith attempt to send notice if the owner sent such notice by registered mail to the author at the most recent address of the author that was recorded with the Register of Copyrights pursuant to paragraph (3). If the work is removed at the expense of the author, title to that copy of the work shall be deemed to be in the author.

“(3) The Register of Copyrights shall establish a system of records whereby any author of a work of visual art that has been incorporated in or made part of a building, may record his or her identity and address with the Copyright Office. The Register shall also establish procedures under which any such author may update the information so recorded, and procedures under which owners of buildings may record with the Copyright Office evidence of their efforts to comply with this subsection.”.

SEC. 605. PREEMPTION.

Section 301 of title 17, United States Code, is amended by adding at the end the following:

“(f)

“(1) On or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, all legal or equitable rights that are equivalent to any of the rights conferred by section 106A with respect to works of visual art to which the rights conferred by section 106A apply are governed exclusively by section 106A and section 113(d) and the provisions of this title relating to such sections. Thereafter, no person is entitled to any such right or equivalent right in any work of visual art under the common law or statutes of any State.

“(2) Nothing in paragraph (1) annuls or limits any rights or remedies under the common law or statutes of any State with respect to—

“(A) any cause of action from undertakings commenced before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990;

“(B) activities violating legal or equitable rights that are not equivalent to any of the rights conferred by section 106A with respect to works of visual art; or

“(C) activities violating legal or equitable rights which extend beyond the life of the author.”.

SEC. 606. INFRINGEMENT ACTIONS.

(a) IN GENERAL.—

Section 501(a) of title 17, United States Code, is amended—

(1) by inserting after “118” the following: “or of the author as provided in section 106A(a)”; and

(2) by striking out “copyright.” and inserting in lieu thereof “copyright or right of the author, as the case may be. For purposes of this chapter (other than section 506), any reference to copyright shall be deemed to include the rights conferred by section 106A(a).”.

(b) EXCLUSION OF CRIMINAL PENALTIES.—

Section 506 of title 17, United States Code, is amended by adding at the end thereof the following:

“(f) RIGHTS OF ATTRIBUTION AND INTEGRITY.— Nothing in this section applies to infringement of the rights conferred by section 106A(a).”.

(c) REGISTRATION NOT A PREREQUISITE TO SUIT AND CERTAIN REMEDIES.—

(1) Section 411(a) of title 17, United States Code, is amended in the first sentence by inserting after “United States” the following: “and an action brought for a violation of the rights of the author under section 106A(a)”.

(2) Section 412 of title 17, United States Code, is amended by inserting “an action brought for a violation of the rights of the author under section 106A(a) or” after “other than”.

SEC. 607. FAIR USE.

Section 107 of title 17, United States Code, is amended by striking out “section 106” and inserting in lieu thereof “sections 106 and 106A”.

SEC. 608. STUDIES BY COPYRIGHT OFFICE.

(a) STUDY ON WAIVER OF RIGHTS PROVISION.—

(1) STUDY.—

The Register of Copyrights shall conduct a study on the extent to which rights conferred by subsection (a) of section 106A of title 17, United States Code, have been waived under subsection (e)(1) of such section.

(2) REPORT TO CONGRESS.—

Not later than 2 years after the date of the enactment of this Act, the Register of Copyrights shall submit to the Congress a report on the progress of the study conducted under paragraph (1). Not later than 5 years after such date of enactment, the Register of Copyrights shall submit to the Congress a final report on the results of the study conducted under paragraph (1), and any recommendations that the Register may have as a result of the study.

(b) STUDY ON RESALE ROYALTIES.—

(1) NATURE OF STUDY.—

The Register of Copyrights, in consultation with the Chair of the National Endowment for the Arts, shall conduct a study on the feasibility of implementing—

(A) a requirement that, after the first sale of a work of art, a royalty on any resale of the work, consisting of a percentage of the price, be paid to the author of the work; and

(B) other possible requirements that would achieve the objective of allowing an author of a work of art to share monetarily in the enhanced value of that work.

(2) GROUPS TO BE CONSULTED.—

The study under paragraph (1) shall be conducted in consultation with other appropriate departments and agencies of the United States, foreign governments, and groups involved in the creation, exhibition, dissemination, and preservation of works of art, including artists, art dealers, collectors of fine art, and curators of art museums.

(3) REPORT TO CONGRESS.—

Not later than 18 months after the date of the enactment of this Act, the Register of Copyrights shall submit to the Congress a report containing the results of the study conducted under this subsection.

SEC. 609. FIRST AMENDMENT APPLICATION.

This title does not authorize any governmental entity to take any action or enforce restrictions prohibited by the First Amendment to the United States Constitution.

SEC. 610. EFFECTIVE DATE.

(a) IN GENERAL.—

Subject to subsection (b) and except as provided in subsection (c), this title and the amendments made by this title take effect 6 months after the date of the enactment of this Act.

(b) APPLICABILITY.—

The rights created by section 106A of title 17, United States Code, shall apply to—

(1) works created before the effective date set forth in subsection (a) but title to which has not, as of such effective date, been transferred from the author, and

(2) works created on or after such effective date, but shall not apply to any destruction, distortion, mutilation, or other modification (as described in section 106A(a)(3) of such title) of any work which occurred before such effective date.

(c) SECTION 608.—

Section 608 takes effect on the date of the enactment of this Act.

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