
By Mr. Harmon, a petition of Samuel Harmon, Ronald C. MacKenzie and Michael J. Dukakis for legislation to authorize the Metropolitan District Commission to enter into a contract for the operation of its zoological facilities by an independent non-profit public or private group. Urban Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO ENTER INTO A CONTRACT FOR THE OPERATION OF ITS ZOOLOGICAL FACILITIES BY AN INDEPENDENT NON-PROFIT PUBLIC OR PRIVATE GROUP.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. The metropolitan district commission is hereby
- 2 authorized and direct to contract on or before July thirtieth,
- 3 nineteen hundred and seventy, with an independent public or
- 4 private association or corporation to operate and manage the
- 5 zoological facilities of said commission at Franklin Park in the
- 6 Roxbury section of the city of Boston and in the town of
- 7 Stoneham and such other related facilities or activities as may
- 8 now or hereafter be deemed appropriate by the commission.
- 9 Such contract between the metropolitan district commis-
- 10 sion and such association or corporation for the management
- 11 and operation of such facilities shall contain such terms,
- 12 conditions, restrictions and reservations as the commission
- 13 shall consider appropriate and consistent with the purposes of
- 14 this act and in the public interest; provide that the agree-
- 15 ment shall contain the following:
- 16 (a) a requirement that any profits derived from the
- 17 operation of such facilities shall be utilized solely for the
- 18 improvement of such facilities and of activities related to the
- 19 operation of such facilities.
- 20 (b) a requirement that said commission shall have the
- 21 right to inspect all records and books of account of such

22 association or corporation which relate to the management
23 and the operation of such facilities.

24 (c) the protection of present employment and pension
25 rights of present employees of such facilities in accordance
26 with section two of this act, and

27 (d) a requirement that the commissioner of the metropoli-
28 tan district commission shall approve in advance all admission
29 charges to such facilities as consistent with the sound fiscal
30 requirements for the operation of such facilities.

1 SECTION 2. The contract between the metropolitan district
2 commission and an association or group executed in accor-
3 dance with section one shall provide that the employees of
4 the commission whose work is directly related to such facil-
5 ities shall be transferred to the association or corporation and
6 shall continue to perform the same duties at a salary not less
7 than theretofore, and every employee so transferred who
8 immediately prior to such transfer was subject to section nine
9 A of chapter thirty or to chapter thirty-one of the General
10 Laws under a permanent appointment and who has served a
11 probationary period shall continue to serve subject to the
12 provisions of section nine A or to sections sixteen A, forty-
13 three and forty-five of chapter thirty-one, as the case may be,
14 whether or not thereafter reclassified, and shall retain all
15 rights to holidays, sick leave and vacations in effect on the
16 effective date of this act; provided, that any person trans-
17 ferred who was not subject to said section nine A or said
18 chapter thirty-one and persons appointed after the effective
19 date of this act shall not be subject to said section nine A or
20 to any provisions of said chapter thirty-one.

21 Every employee who upon transfer to said association or
22 corporation is covered by the group insurance provided by
23 chapter thirty-two A of the General Laws shall continue in
24 uninterrupted coverage and all other employees of the asso-
25 ciation or corporation are hereby likewise made eligible for
26 such group insurance to the same extent as if they were
27 employees of the commonwealth; provided, that the share of
28 the commonwealth of the cost of such insurance shall, with

29 respect to such other employees of the association or corpora-
30 tion be borne by the association or corporation. The associa-
31 tion or corporation shall forward its contribution, together
32 with all amounts withheld from the salaries or wages of its
33 employees as provided in paragraph (a) of section eight of
34 chapter thirty-two A and all amounts paid by an employee as
35 provided in paragraph (b) of said section eight, to the state
36 employees group insurance commission at such time and in
37 such manner as the commission may prescribe.

38 Every employee who immediately prior to being trans-
39 ferred to the association or corporation by this section is a
40 member of the state retirement system shall continue to be a
41 member thereof and subject to the laws applicable thereto.
42 The association or corporation shall deduct from the wages of
43 such employees and pay over to the state retirement board
44 such sums as the commonwealth would deduct and pay over
45 if such person were an employee of the commonwealth.

46 The association or corporation shall reimburse the com-
47 monwealth for its proportionate share of any amounts
48 expended by the commonwealth under the provisions of
49 chapter thirty-two of the General Laws for retirement allow-
50 ances to or on account of its employees.

51 Every person who immediately prior to being transferred
52 to the association or corporation was subject to the provisions
53 of sections fifty-six to sixty, inclusive, of chapter thirty-two of
54 the General Laws, shall continue subject to the provisions of
55 said sections; provided, however, that the words "retiring
56 authority," as used in said sections shall mean the members
57 of the association or corporation; and provided, further, that
58 the amount of all retirement allowances payable under said
59 sections by virtue of this act shall be paid by the association
60 or corporation, and the commonwealth shall reimburse the
61 association or corporation for its proportionate share of any
62 amounts so paid. Upon the retirement of any such person
63 under said sections fifty-six to sixty, inclusive, the state
64 retirement board shall refund to the person so retired the
65 amount of his accumulated deductions.

65 An employee transferred to the service of the association or

66 corporation under the provisions of this act shall, upon his
67 written request made within two years of the date of such
68 transfer, be retransferred to the service of the metropolitan
69 district commission. Upon such retransfer such employee
70 shall be assigned without loss of seniority, retirement or other
71 rights, to an office or position similar to that which he held
72 with the commission prior to his transfer.

73 The American Federation of State, County and Municipal
74 Employees (AFL-CIO), Massachusetts Public Employees
75 Council No. 41 shall continue as the certified bargaining
76 agent for employees of the metropolitan district commission
77 transferred under this act unless and until another bargaining
78 agent is certified for such employees in accordance with the
79 provisions of section one hundred and seventy-eight H of
80 chapter one hundred and forty-nine of the General Laws.

1 SECTION 3. For the purpose of meeting the common-
2 wealth's obligations under the contract authorized by section
3 one of this act, the metropolitan district commission shall
4 expend any balance remaining in the appropriation for the
5 current year for the operation and maintenance of zoos under
6 the control of the metropolitan district commission and shall
7 for each year thereafter expend the amount appropriated
8 therefor by the General Court.

1 SECTION 4. On or before the thirtieth day of September in
2 each year the association or corporation shall make an annual
3 report of its activities for the preceding fiscal year ended June
4 30 to the metropolitan district commission and to the general
5 court. Each such report shall set forth a complete operating
6 and financial statement covering its operations during the
7 year. The association or corporation shall cause an audit of
8 its books and accounts to be made at least once in each fiscal
9 year by certified public accountants and the cost thereof shall
10 be treated as an item of current expenses. The state auditor
11 shall likewise audit said books and accounts at least once in
12 each fiscal year. Such audits and any and all leases and
13 agreements executed by the association or corporation and

14 the operations resulting therefrom shall be deemed to be
15 public records within the meaning of chapter sixty-six of the
16 General Laws.

1 SECTION 5. Section 1A of chapter 702 of the acts of 1957 is
2 hereby amended by striking out, in lines 4 and 5, the words “;
3 provided, however, that no charge shall be made for admis-
4 sion to said zoo.”

