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By Mr. McCarthy, a petition (accompanied by bill, Senate, No. 833) of Robert E. McCarthy for legislation to provide for contract claims against the Commonwealth. The Judiciary.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

### AN ACT PROVIDING FOR CONTRACT CLAIMS AGAINST THE COMMONWEALTH.

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

1 Chapter 258 of the General Laws, as most recently amended  
2 by Chapter 512 of the Acts of 1978, is further amended, by  
3 adding, after section 1 thereof, the following: —

4 *Section 1A.* The superior court shall have jurisdiction of all  
5 claims against the commonwealth. The laws relative to tender,  
6 offer of judgment and counterclaim shall apply to the said  
7 action and the case shall be tried by the court without a jury.  
8 All hearings shall be in open court, except that on motion by  
9 the attorney general or the plaintiff a master may be ap-  
10 pointed, and questions of law may be taken to the supreme  
11 judicial court, as in other cases. If the amount claimed ex-  
12 ceeds two thousand dollars, the action shall be brought in  
13 Suffolk county, otherwise in Suffolk county or in the county  
14 where the plaintiff resides.

15 *Section 1B.* If judgment is entered in favor of the plaintiff  
16 or parties other than the commonwealth, the clerk of the  
17 superior court for the county where such judgment is entered  
18 shall within seven days after the final disposition of the case,  
19 transmit a certified copy of the docket entries and a certifi-  
20 cate of such judgment showing the amount due from the  
21 commonwealth, to the comptroller who shall notify the  
22 governor; and the governor shall draw his warrant for such  
23 amount on the state treasurer, who shall pay the same from  
24 any appropriations made for the purpose by the general court.

25 *Section 1C.* If judgment is entered in favor of the plaintiff

26 against the commonwealth for damages in cases arising under  
27 chapter seventy-nine, the clerk of the superior court for the  
28 county where such judgment is entered shall, within seven  
29 days after the final disposition of the case, transmit a certified  
30 copy of the docket entries and a certificate of such judgment  
31 showing the amount due from the commonwealth, to the  
32 comptroller who shall notify the governor. The governor shall  
33 draw his warrant for such amount on the state treasurer, who  
34 shall pay the same, with such interest as is authorized by the  
35 third sentence of section thirty-seven of chapter seventy-nine,  
36 from any appropriation made for the purpose by the general  
37 court.

38 *Section 1D.* If the decision is in favor of the commonwealth  
39 judgment for costs and execution thereon shall issue in its  
40 favor against the plaintiff and if such judgment is final, the  
41 claim shall be forever barred.

42 *Section 1E.* In any action brought against the common-  
43 wealth under any provision Sections 1A through 1D of this  
44 chapter wherein the commonwealth makes an offer of  
45 judgment in accordance with the provisions of section seventy-  
46 four of chapter two hundred and thirty-one, if the plaintiff  
47 does not elect to accept such offer and does not recover as  
48 damages an amount, excluding interest from the date of the  
49 offer, larger than the amount so offered, the plaintiff shall  
50 have judgment only for the amount actually recovered with-  
51 out interest thereon from the date of the offer and for his  
52 costs as provided by section seventy-five of said chapter two  
53 hundred and thirty-one.