



NEW YORK STATE SENATOR

Anthony H. Palumbo

An 'Act' of Compassion

ANTHONY H. PALUMBO January 26, 2024



Late last month, as New Yorkers were making plans to celebrate the New Year, Governor Hochul once again vetoed the Grieving Families Act. Her action was a surprise to many of us in the State Legislature, especially considering the broad, nearly unanimous bipartisan support for the bill's passage in consecutive sessions.

More surprisingly was that her veto pen fell on a vastly changed version of the legislation, which was updated to assuage the Governor's concerns over the Act's overhyped impact on the State's hospitals and insurance industry.

The Grieving Families Act is important as it would bring New York State's wrongful death statute into the modern era, on par with the rest of the nation and in line with our values. It would provide families who have lost a child or loved one the ability to seek damages for their pain and suffering in cases where wrongful death is established.

By expanding the State's wrongful death statute beyond the callous 'monetary value' of the deceased and allowing for pain and suffering to be calculated in wrongful death cases, the legislation weighs the full and devastating impact that the loss of a child, spouse, stay at-home parent, or disabled grandparent has on a family. It would also hold the wrongdoer responsible for the death accountable.

The benefits of the legislation to New York's families are crystal clear. The steps that the New York State Legislature will take next to ensure the Grieving Family Act becomes law, is less evident.

There have been discussions to override Governor Hochul's veto of the Grieving Families Act, but these talks have been met by a mixed response from Democratic Leaders in the State Legislature. Assembly Speaker Carl Heastie referred to a veto override as a nuclear option and Senator Brad Hoylman-Siegel, Chairman of the Judiciary Committee and the bill's sponsor stated he doesn't believe an override can occur in a different calendar year from when the bill was vetoed. To the person, however, these same legislators have engaged in splashy press conferences and rhetorical speeches regarding the need to make the Grieving Families Act law so we can protect victims of negligence.

My solution would be for both houses of the State Legislature to again pass the 2023 version of the bill, and before the State Budget is approved. This would provide Legislators greater leverage, and show our resolve to have the Act become law in 2024. With supermajorities in both houses, why won't the Democrats that constantly claim to protect victims and be the

Party That Cares More Than Everybody Else simply flex their legislative muscle to make this happen. If the Governor vetoes the bill again, they must use the 'nuclear option' and override her veto.

Antithetically, during last year's historic nomination of Justice Hector Lasalle for Chief Judge of the Court of Appeals, the Senate Democrats were more than willing to override the Governor to stack the court with progressives who would toe the political line when it came to the congressional redistricting case that was soon to be heard. Despite the historic nature of the nomination, as the first Latino nominee for Chief Judge, the impeccable qualifications of Justice Lasalle and the fact that the legislature has never denied a Governor's nomination for Chief Judge, the Lasalle nomination was defeated because he didn't fit with their agenda.

Now, with something as important as the Grieving Families Act, the Democrats seem unwilling to move the ball forward. If they were willing to challenge the Governor for political power, it would be my hope that they could do it for legislation that would serve a greater purpose for all New York's families. 2024 must be the year the Grieving Families Act becomes law. Whether this happens by the Governor acquiescing to sign the bill or through an override, the important first step is for lawmakers to take action now and repass the Grieving Families Act so we can do what's right as New Yorkers, for New Yorkers.

Anthony H. Palumbo

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