

NO. 23

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

FRIDAY, FEBRUARY 20, 2026

Friday, February 20, 2026
(Local Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator MASSEY.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 39 Sen. Zell
S. 716 Sen. Kimbrell
S. 915 Sen. Kimbrell
S. 936 Sen. Martin

ADDENDUM TO THE JOURNAL

The following remarks by Senator BRIGHT were ordered printed in the Journal of January 13, 2026:

Remarks by Senator BRIGHT

Thank you, Majority Leader, Mr. PRESIDENT, and members of the Senate. Senator MASSEY told me to limit my remarks to one hour so, I plan to honor that by saying it is great to be back in the Senate. I did not think I would be back, but as Providence would have it, I'm here and looking forward to serving with many of you new Senators.

When I left, I think I was one spot from Senator DAVIS, so if any unanimous consent about me regaining my seniority is made, I would not object.

I'm glad to have my nephews here, who were not here the last go around. This is their first trip to the State House. Noah and Luke were here last week. My other nephews, Paul Matthew, Aiden, Liam, my daughters Kaylee and Kendyl, my son-in-law, Joel, then there's David and Joan Byers, my father and mother-in-law, of course, my wife Amy. My granddaughters, Amelia and Allee, and my grandson, Andrew are here.

So, we have all the family here, my sisters Martha and Mary Ann are here too. My wife continues my improvement, so she will point out what I forgot. I'm thankful for that, but I am glad to be back. The former Senator/Lieutenant Governor from Anderson, Senator Bryant, he was here last time. He was great to serve with. We were often forty-four to

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two in voting. He's not here anymore. I guess it will be forty-five to one sometimes, but I'm kinder, gentler, and older now.

There may be some votes where it is altogether, and of course, I do appreciate Senator MARTIN getting me some order, which he has always been known for in the past. I see that it has not changed about gaining order. I'm not going to really take an hour, but I look forward to working with you all. I love this institution of the Senate and I enjoyed the eight years I had here and whatever time we have. Obviously, we've got three more years in this session. I look forward to working with you and thank you for your attention.

ADDENDUM TO THE JOURNAL

The following remarks by Senator MATTHEWS were ordered printed in the Journal of January 28, 2026:

Remarks by Senator MATTHEWS

Mr. PRESIDENT and colleagues, I rise today compelled not only by concern, but by conscience. In recent days, our Nation has again witnessed anguish in the streets, peaceful assemblies giving way to confrontation and a fatal use of force occurring in the midst of citizens exercising their constitutional rights. As we've seen, what began as lawful expression ended in tragedy, and the consequences have reverberated far beyond the place where it occurred. Moments like this demand more than commentary. They demand clarity. They demand courage -- our courage. And they demand that we speak plainly about the rule of law.

The First Amendment guarantees the right to free speech and peaceful assembly. The Constitution also protects the lawful right to keep and bear arms. These rights do not compete with one another. They rise and fall together. When the state selectively enforces one right while aggressively policing another, the Constitution is not being defended -- instead it is being distorted. We must ask ourselves an uncomfortable but necessary question, "How do we ensure that the rule of law protects every person equally, whether they are assembling, recording events, protesting, or otherwise engaging in lawful conduct?" When force results in the loss of life, and when conflicting narratives emerge before facts are fully established, public trust erodes. And once trust is gone, confidence in justice soon follows.

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President Barack Obama once reminded us that democracy is not just about what is legal, but also about what is right -- that maintaining order must never come at the expense of legitimacy or fairness. Public safety and constitutional fidelity are not opposite. They are inseparable. History teaches us what happens when we fail to speak. My colleagues, I believe that regardless of where you are, I consider you to be good people. As the oft-quoted warning reminds us: evil persists when good people -- like yourselves -- fail to act. Silence in the face of unequal enforcement is not neutrality, it is acquiescence. If we just sit back and say nothing about what is going wrong in the world, we are saying it is ok -- and it is not ok. South Carolina knows this truth all too well. We remember the horrific murder of my predecessor, Senator Clementa Pinckney. No matter your party affiliation, you were outraged. He was murdered the same week that he spoke on the Senate floor against guns. That tragedy outraged the Nation. And just as rightly, there was outrage over the murder of Senator Melissa Hortman and her husband in their home, and the tragic shooting of Senator John Hoffman. Those acts struck at the heart of our democracy and our shared humanity. But outrage is not enough. It cannot be conditional. If we believe violence against public servants, such as these, is unacceptable, then violence against citizens exercising free speech is also unacceptable. If we condemn political murder in one context, we must condemn intimidation, selective enforcement, and excessive force in all others. Whether one agrees or disagrees with Charlie Kirk, or anyone else, the right to speak freely without fear of violence or unequal enforcement is fundamental. Likewise, Mr. Alex Pretti -- an ICU nurse in a VA Hospital -- was gunned down this past week as he was exercising his first and second constitutional rights. Constitutional rights -- my brothers and sister are not granted based on popularity. Just because you do not agree with what someone says does not mean that they should be stopped from expressing their constitutional rights. No community should feel the laws apply depending on who is present, what message is being voiced, or which rights are being exercised. Equal justice under the law means no carve outs, no double standards, and no exceptions. We all want safe communities. We all want law enforcement officers to return home safely at the end of their shifts. And we all want order -- in the streets and in our homes. But safety cannot come at the expense of justice and justice cannot -- and should not -- be selective.

So let us recommit ourselves, on this floor, to the full promise of the Constitution: that peaceful assembly is protected, that lawful conduct is

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not criminalized, that force is used only when justified by law and facts, not fear, politics, or rhetoric. Our courage -- the courage that was granted to us by our being elected to public service will make us speak up when injustice exists. The strength of our democracy is not measured by how we treat the powerful or the popular. It is measured by how faithfully we uphold the rule of law when it is difficult, uncomfortable, and contested. And so I leave you, my colleagues, with this question, when did "Don't Tread on Me" turn into "Comply or Die"? Thank you, Mr. PRESIDENT.

ADDENDUM TO THE JOURNAL

The following remarks by Senator LEBER were ordered printed in the Journal of February 5, 2026:

Remarks by Senator LEBER

I never wanted to be an obstructionist, and I don't think that's appropriate. I don't think that -- I have nothing but immense respect for the institution, I really do. I think that this Body more closely resembles the way our founding fathers met and discussed items and discussed Bills and issues and I'm honored to be here. I count my blessings just being here and I want to speak about the Bill and why I oppose it. I want to be very careful because the last thing I want to do is disparage anyone or insult anyone in any way. If you could x-ray my heart right now you would know that is not what I'm about. I think my history working with you guys individually would recognize that is the place where I come from. I try to operate in good faith, and I don't disparage other Senators, and I do not want to do that with this. But it is okay to disagree in the Senate. I think that is what we are here to do and I've shared my respect for the Senate, but the most respect that I have to offer are the people I represent in South Carolina, the lowcountry.

I have nothing but immense respect for them, and I am humbled sometimes because I find myself remembering that I am it. Sometimes they have no other voice, and sometimes I am talking about things that are not necessarily about South Carolina, maybe Minnesota or something, Matt, what are you doing? Why is Russia talking about that? There is federal money involved but South Carolina taxpayers pay that money and, you know, if I don't bring it up who's going to and it doesn't really matter sometimes if other people bring it up, sometimes it must be one of us in this room, in this Chamber.

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I have some constituents that manufacture these products, and they set out when they created their companies, to work in tobacco cessation. That was where their hearts were and they created products to make it easier to quit smoking. They worked in that area, and they've become very successful and they've got many stores and they are manufacturers. They are not just the vape stores -- the dingy vape stores that are selling all the other products; they are unsavory. Sometimes when you represent what society sees as sort of low, low folks, those are the ones you really got to get into a fight with. You really got to fight hard to represent those guys. It's hard -- unsavory. I've got to save the kids, vape products are bad. We have got to save the kids. I'm all for it. I dearly don't want children to be using vape products, but we've made that illegal in South Carolina. It's already illegal. There's no such thing as making something double illegal, and there is no need to make something double illegal. In this great history -- history of this Nation -- we've made mistakes; prohibition does not work. Let me introduce you to the 1920s, it does not work. Also, crony capitalism is creeping up. It is part of our economy and it's creating monopolies, Theodore D. Roosevelt said, "It is not the critic that matters, it is the man in the arena." He didn't create monopolies; he busted up monopolies. A simple reading of this Bill -- the effective effect of this Bill is to create a monopoly.

We all know that big tobacco is the interior of this Bill -- the author of this Bill -- the same company that created it knew it was harmful. I come from a long history of folks that live a long time. I had three grandparents that lived to their 100s. I have a 99-year-old grandfather that is still alive, my grandmother died at 98. My World War II grandfather died in his 90s, because he smoked Pall Mall cigarettes since he was 9 years old. He smoked packs and packs of those on the beaches of Normandy. It's how they comforted themselves smoking those cigarettes. Those are the people that did that -- killed our great grandparents -- wrote this Bill. And are we going to trust them? Just don't. I think any time that we write words on paper and the effect of those words is that we kill jobs in South Carolina, we should pause. We should pause and think about that. This Bill is literally going to kill jobs and the folks that have these jobs -- these South Carolina manufacturers. All they want is an opportunity to take part in the market. There is an arbitrary date in this Bill that is a cutoff date. If you didn't have your FDA application in before that cutoff date you don't get to sell your product. Even though their product is exactly the same chemical makeup of the product that the FDA has already approved.

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I want to do amendments, but I also don't want to kill this Bill. I have come to understand by whom I trust greatly -- I trust their honor and their honesty -- that this Bill would die if we amend it more. I don't want to do that. I don't want to be known as an obstructionist here. I want to work with my colleagues. I want to get things done. I want to advance the Bill. I wish I could amend it. I think it needs to be amended. We need to think about it. We need to pause when we kill jobs. It is already illegal for minors to use these vape products. There were amendments in the House that suggest we only allow American products to be sold, and that was shot down. But that was sort of the narrative early on -- we've got to save kids from these dangerous Chinese products. I don't have an affinity for vape products. I've never even tried one. I took on this fight when I was in the House and went into the Judiciary. It was like the East India Company. I don't have any affinity for vape products, I really don't. But what I do have an affinity for is simple fairness, and I do not believe that we should be in the business of picking winners and losers and we shouldn't be choosing to officiate a monopoly-- to organize a monopoly. The folks in South Carolina, who they are, where they come from, where they started out, who they are today, should have a chance to participate in the market. And this Bill arbitrarily excludes people from the market, and it shouldn't. We should have an open market for any product. We should regulate it. We need regulations. That is why I don't want to kill this Bill. We need to regulate. Thank you Mr. PRESIDENT.

I'm just going to wrap it up here. In closing, some of you may have been here for a very long time, you've never been on the losing side of something, never been out on the limb. You hear the sawing sound behind you -- don't shy away from a fight like this. We take too much glee sometimes winning on our issues. I'm not talking to my Democrat friends; they face this all the time. I appreciate how this experience has humbled me. I have no regrets on it, but I do object to this Bill because of the arbitrary nature of it, and the fact that it creates a monopoly, and I believe that these things are already illegal. We have an enforcement issue. We don't need more words on paper. We need to enforce our current laws. I appreciate you listening to me.

ADDENDUM TO THE JOURNAL

The following remarks by Senator MASSEY were ordered printed in the Journal of February 18, 2026:

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Remarks by Senator MASSEY

I'd like to address something that's been troubling me, more so in recent days. And I'm a little bit leery of creating a precedent here where we have Senators come to the well and talk about judicial elections -- I don't want to do that -- but I do want to talk about the upcoming election for the South Carolina Supreme Court.

In many ways, this election is unique. It's not normal that we have candidates challenging an incumbent Justice. I'm not troubled by that challenge, though. We are tasked with electing Justices to the Supreme Court. Some have concerns about decisions that have been made. This is the process. I'm not here to get into that really. I'm not here to advocate for a candidate. I know all the candidates. I actually like them all personally. I get along with all of them personally. I think they are all bright. I think they are all well-versed in the law.

But they're not all deserving of a seat on the Supreme Court. Again, I'm not here to advocate for any of the candidates. Of the four candidates for the position, I could make an argument for three of them. I'll have a preference among those three when it's time to cast a vote, but all three of those judges are capable and would serve well in the position. But there's clearly a push for the other candidate. And that really troubles me. I'm not here to be critical of Speaker Lucas. He's a very smart guy. He's definitely a pleasant guy to be around. We worked together on several issues while he was Speaker and I served as Leader. This really isn't about him. This is about all the rest of us.

Now look, I know there are legislators who have geographic or personal loyalty and they'd vote for the former Speaker regardless of who he's running against. I don't like that. I don't think that's how we ought to make decisions about Supreme Court Justices. In fact, I think the legislature has done a very good job of selecting Justices in recent years, and this kind of decision making is a real regression.

But that's not where most of us are. This looks really bad. It looks like back room deals are being made for someone who is not as qualified for or deserving of the position. It looks like the legislature is cooking the books.

Over the course of many years, the legislature has made significant, positive changes at the Supreme Court. Ours is not an activist court. They're also not, as some would have us believe, shrinking violets and subservient to the legislature. They've shown that recently. These are serious people who tackle serious problems. And, while I disagree with some of their decisions occasionally, the Court does good work. This

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Court, unlike some courts we've had in the past, does not inject itself in political questions. These are respected people who have spent years -- their entire professional lives -- earning the positions they now hold.

Please, let's not screw that up. Many of our institutions are under attack. Some of that is warranted. Much of it is not. Most of the attacks on the judiciary are not sound. Overwhelmingly, we have competent, highly qualified, and ethical men and women serving in our courts. We do not have the problems that are rampant in nearly every other state. Some attack the judiciary and allege corruption or other inherent problems, and most of those accusers are uninformed or have a personal interest in the attack.

But electing a former legislative leader with no judicial experience whatsoever gives credibility to the unfounded assault. It douses the fire with accelerant. And it is wrong. But it is what many people expect. People understand giving special treatment to their friends even if their friends aren't qualified. The public thinks we don't play by the rules, that we're all corrupt, and pursue those things that are better for us even at their expense. Many people think we'd sell them out in a heartbeat if it benefits us or someone we know. And look, unfortunately, there have been people we've served with who have given credence to that position.

You and I know that's far from the norm. I know you all. I know most of you well. I know many House members. You're not corrupt. You pursue policies that you think are best for the most citizens. Sometimes we disagree on those policies, sometimes I think you're just completely off base, sometimes (maybe lots of times) you think that about me, but I think we're all trying to do what we think is right.

Electing a former legislative leader with no judicial experience to the Court when he is by all objective measures the least qualified for the position, if he is qualified at all, is not right. It is wrong.

It gives credence to all the suspicion and attacks. It makes the unfounded founded and the unwarranted warranted. It soils the institution itself. Ladies and gentlemen, we are honored and privileged people. The people of South Carolina have entrusted us with awesome responsibilities. We stand on the shoulders of many people, both good and bad, who've built South Carolina into the great State it is today. Let's not weaken what we've inherited. Let's not contribute to the public's suspicions of bad behavior. Let's not leave this worse than what we found it.

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We have able, qualified candidates for the Supreme Court. Let's do the right thing, surprise a skeptical public, and choose one of those judges for the Supreme Court.

ADJOURNMENT

At 11:06 A.M., on motion of Senator OTT, the Senate adjourned to meet next Tuesday, February 24, 2026, at 12:00 P.M.

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