



How Free are We?

October 16, 2016

In overall freedom among the 50 states, Montana ranks 17th, according to an analysis by the Cato Institute. Montana's ranking is about four points higher than its ranking in 2012.

About Montana, Cato wrote, "Big Sky Country just might be better for freedom right now than it has ever been, which is not saying as much as one might expect. Personal freedom has generally been below the national average in Montana, but it spiked in 2013–14 because of same-sex marriage, while economic freedom remains a bit above the national average."

States with the most freedom include New Hampshire, Oklahoma, Indiana, South Dakota, and Alaska. Ranked as the least free were: New York, California, Hawaii, New Jersey, and Maryland.

The study gauges the level of freedom based upon a state's finances and regulatory environment, as well as upon the degree of citizens' personal freedom.

Overall, Montana is one of the least free states when it comes to the labor market, according to Cato. Montana has gone from one of the least regulated states for occupational licensing in 2000 to one of the more regulated today. However, nurse practitioners, dental hygienists, and physician assistants enjoy a moderate amount of practice freedom.

The state has a fairly high minimum wage for its median wage level.

Insurance freedom is middling, as the state imposes some restrictions on rating criteria.

On lawsuit freedom, it is slightly above average (less vulnerable to abusive suits).

According to the analysis, Montana's tax burden is well below the national average. State taxes have held steady over the past several years at about 5.0 percent of personal income. Local taxes spiked in FY 2009 but have settled down since to about 3.1 percent of income. Montanans have virtually no choice in local government, as counties control half of local taxes.

Montana's debt burden has fallen from 20.3 percent of income in FY 2007 to 13.3 percent now. Subsidies are low, and government employment is slightly higher than average. Overall,

Montana has posted consistent gains on fiscal policy.

The state's renewable portfolio standards are among the toughest in the country, raising the cost of electricity.

Montana is one of the best states for gun rights, although it has fairly extensive limits on where one may carry within cities, and the effective cost of a carry license increased in 2011–12.

Montana also does well on gambling, where it has an unusual, competitive model for video terminals that does not involve casinos.

On criminal justice, Montana is about average. Drug arrest rates are more than one standard deviation below the national average, but the incarceration rate is above average, when adjusted for crime rates. The state is schizophrenic on cannabis, with a reasonably liberal medical marijuana program (scaled back slightly in 2011–12) but also the possibility of a life sentence for a single cannabis offense not involving minors and a one-year mandatory minimum for any level of cultivation.

The civil asset forfeiture law is among the worst for property rights in the country. The burden of proof is on innocent owners, all the proceeds go to law enforcement, and the burden of proof for showing a property is forfeitable is mere probable cause.

Tobacco and alcohol freedoms are subpar, with draconian smoking bans, higher-than-average cigarette taxes, and a state monopoly on liquor stores.

Educational freedom is mediocre, with fairly light regulation of private schools and homeschools but no choice programs.

The state was forced to legalize same-sex marriage in 2014, and its oppressive super-DOMA was therefore overturned.

Freedom recommendations to the state include:

Fiscal: Decentralize program responsibility and taxation authority from counties to municipalities, and make it easy for neighborhoods to incorporate. Having even one effective competing government per 100 square miles would have raised Montana's overall freedom rank two places in 2014.

Regulatory: Enact a right-to-work law, similar to those of the surrounding states, that does not violate freedom of association, like the one proposed in the "Labor-Market Freedom" section of this book.

Personal: Abolish all mandatory minimum sentences for victimless crimes, and reduce maximum sentences significantly.