

IMPACT FEES BY STATE

STATE	LEGISLATION	SUMMARY
Alabama	Baldwin County, Alabama Code, Section 45-2-243.83 (LINK)	An impact fee may be imposed only for governmental infrastructure and costs directly related thereto.
Alaska	N/A	N/A
Arizona	Arizona Revised Statute, Section 9-463.05 (cities and towns - LINK) & Section 11-1102 (counties - LINK)	<p>§ 9-463.05: Municipalities may charge development fees to offset the costs of providing new infrastructure and necessary public services for new developments. Fees must benefit the development and be based on an adopted infrastructure improvement plan. Prohibited uses of fees include general facility upgrades, maintenance/operation, administrative costs, or raising service levels for existing development.</p> <p>§ 11-1102: Counties are authorized to assess development fees to fund county infrastructure and services needed by new developments. Fees must be proportional to the cost per service unit, matching the level of service existing development enjoys.</p>

STATE

LEGISLATION

SUMMARY

Arkansas

Arkansas Code, § 14-56-103 ([LINK](#))

Ark. § 14-56-103 sets out a clear framework enabling municipalities and their service agencies to impose development impact fees for new infrastructure capacity. These fees must be: Authorized by ordinance, tied to a capital plan and level-of-service standards, proportional to the demands of new development, reserved in segregated accounts and used only for capital improvements, refunded if unspent after seven years with clear notifications and legal recourse, and compliant with transition rules, ensuring older fee ordinances meet updated governance standard.

California

CA Govt Code § 66016.5 ([LINK](#))

An impact fee nexus study must be adopted before implementing a development fee. The study should assess existing and proposed levels of service for public facilities and justify any changes. The study must support the jurisdiction's actions and, if applicable, review any existing fee assumptions. Fees for housing development must be based on unit square footage unless the jurisdiction provides a valid alternative justification. Large jurisdictions must include a capital improvement plan in the study. Public hearings for adoption must be announced with at least 30 days' notice, and studies should be updated every eight years. The jurisdiction may use a state-developed template for the study.

STATE

LEGISLATION

SUMMARY

Colorado

Colo. Rev. State Section 29-20-104.5 ([LINK](#))

Local governments can impose impact fees to fund capital facilities needed for new developments, provided these fees are legislatively adopted, widely applicable, and aimed at covering projected impacts. Fees should be based on reasonable assessments of the development's impacts, and they cannot be used to address existing deficiencies in capital facilities.

Schedules for impact fees must ensure that no individual landowner is required to provide specific improvements covered by the fee. A capital facility must be related to services a local government provides, have a useful life of at least five years, and be required by local policy.

Fees must be collected in accordance with specific guidelines, and local governments may waive fees for low- or moderate-income housing. Fees cannot be imposed on applications submitted before the fee schedule was adopted, and they cannot be collected until the development permit is issued.

Landowners can challenge the application of fees through declaratory judgment actions.

Connecticut

N/A

N/A

STATE

LEGISLATION

SUMMARY

Delaware

Delaware Code, Title 29 Section 9121-9125 ([LINK](#))

Development of impact fees: The Cabinet Committee on State Planning Issues must create a schedule of state impact fees covering all relevant public facilities. Fee schedules should reflect different geographic zones: rural, secondary developing, and environmentally sensitive areas. These fees must not exceed the development's proportionate share.

County impact fees: Counties are authorized to set their own impact fees for local services and facilities.

Florida

FL Stat § 163.31801 ([LINK](#))

The Florida Impact Fee Act establishes that any local government or special district imposing impact fees must: Use recent, localized data for calculating fees; maintain separate accounting for fee collections and expenditures; limit administrative costs to actual expenses; provide a 90-day notice before imposing new or increased fees; ensure fees are paid upon the issuance of building permits; establish that fees are proportional to the impact of new construction; allocate fee revenues for new facility development; and avoid using fees to pay existing debt or past projects unless directly related to new impacts.

Any contributions toward public facilities must be credited against the impact fee on a dollar-for-dollar basis. However, if no impact fee is charged for a specific category, no credit can be applied.

STATE

LEGISLATION

SUMMARY

Georgia

GA Code Section 36-71-3 ([LINK](#))

Municipalities and counties with a comprehensive plan that includes a capital improvements element can impose development impact fees as a condition for development approval. These fees replace other development exactions after a specific transition period. If a building permit is issued before the fee ordinance takes effect, that project is exempt from impact fees as long as the permit remains valid and construction begins as specified.

Additionally, paying the development impact fee satisfies local requirements for adequate public facilities or services related to the improvements covered by the fee.

Hawaii

HI Rev Stat § 46-143 ([LINK](#))

Before enacting impact fees, a needs assessment study must be conducted to identify necessary public facilities and differentiate between existing and future needs. Impact fees should be based on the actual or estimated capital costs of expanding public facilities due to new development. Fees must relate to the development's impact and should not exceed a fair share of the associated costs. Seven factors influence the calculation of this share, including existing deficiencies, funding availability, and prior contributions made by the developer. The impact fee ordinance must include a process for developers to contest the assessed fee amounts.

STATE

Idaho

LEGISLATION

Idaho Code 67-8204 ([LINK](#))

SUMMARY

Development impact fees must be based on actual or reasonable cost estimates and established service levels in relevant ordinances. Fees can only be collected at specific points, like during construction or permit issuance, and developers can request individual assessments for fee adjustments.

Collected fees must be used for designated improvements in the service area, adhering to state requirements, and projects aimed at affordable housing can be exempt if supported by a comprehensive plan.

Certain activities, such as rebuilding within two years or remodeling without increasing service units, are exempt from impact fees.

Fees should be calculated based on capital improvement costs and follow generally accepted accounting principles; increases can only occur with changes in service units or project scope.

The ordinance must outline a timely application process for fee determinations, including appeals and detailed methodologies for calculation. Inconsistent provisions within the ordinance are void, but valid sections remain effective.

STATE

LEGISLATION

SUMMARY

Illinois

605 Illinois Comp. Stat. Ann., § 5/5-901 et seq
([LINK](#))

A local government cannot impose an impact fee on a developer for road improvements related to new development unless it follows specific provisions. The fee must only cover costs directly attributable to the new development, and cannot be used for repairing or maintaining existing roads. While impact fees cannot fund upgrades to existing roads, they can be combined with other funds to address existing deficiencies, but the fees must be proportional to the development's share of road improvement costs. The local government can offer credits to developers for improvements made outside of the comprehensive road improvement plan, as long as those improvements qualify for inclusion in the plan.

Indiana

IN Code § 36-7-4-1311 ([LINK](#))

The ordinance must create a unified impact fee that aggregates amounts for various infrastructure types. It can be adopted similarly to zoning ordinances if the body has complete jurisdiction over the area. If jurisdiction is partial, the body must establish the fee portions for the infrastructure types it manages, following public hearings and approval from relevant planning commissions. No impact fees can be collected after Jan. 1, 1992, unless they comply with this section. Certain fees, charges or assessments, including those established prior to Jan. 1, 1991, and contractual agreements made before April 1, 1991, are excluded from being classified as impact fees and can still be collected.

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STATE	LEGISLATION	SUMMARY
Iowa	N/A	N/A
Kansas	N/A	N/A
Kentucky	N/A	N/A
Lousiana	Varies by Jurisdiction, example: LA Rev Stat § 33:3091 (LINK)	<p>The village of Folsom can impose an impact fee on new developments to finance necessary capital improvements or facility expansions. Before imposing an impact fee, the governing authority must pass an ordinance after obtaining public approval through an election. The fee must be proportional to the development's impact on existing facilities and cannot address existing deficiencies unrelated to new developments. A capital improvement plan must be created with professional assistance, followed by a public hearing before adoption. The village can engage in agreements with public or private entities for funding improvements. The village retains the right to provide waivers or refunds on impact fees.</p>

STATE

Maine

LEGISLATION

Maine Revised Statutes Section 4354 ([LINK](#) and [LINK](#))

SUMMARY

A municipality can adopt an ordinance requiring developers to either construct off-site capital improvements or pay impact fees instead. These fees can cover the full cost of necessary infrastructure improvements and may be imposed before or after construction. The types of infrastructure covered include wastewater and water facilities, solid waste facilities, public safety equipment, roads, parks, and schools. Any ordinance regarding impact fees must meet specific criteria: the fee must relate reasonably to the development's share of infrastructure costs, funds must be kept separate from general revenues and spent only for their intended purpose, and there must be a reasonable schedule for using those funds in alignment with the municipality's comprehensive plan. Additionally, there must be a mechanism to refund any excess impact fees. Municipalities within a school district can deposit these fees into a trust fund for school capital costs.

A recent amendment lets municipalities require developers to build infrastructure or pay impact fees, but limits fees to proportionate costs for improvements that directly about the development. Municipalities must publish a public policy on fee calculations, demonstrate necessity, and spend collected fees within 180 days on planned capital improvements.

STATE

LEGISLATION

SUMMARY

Maryland

Varies by Jurisdiction, example: Baltimore County, MD Local Government Code § 20-701.1 ([LINK](#))

Counties operate under authorizations granted by the General Assembly, and each has its own enabling legislation.

The Baltimore County Council can impose development impact fees to cover capital costs for public works and facilities needed for new construction or development.

Funds collected from these fees must be used in the local community where the development occurs.

Massachusetts

Massachusetts Code Section 3D ([LINK](#))

A city or town that accepts section 3A can impose a community impact fee of up to 3% on the rent for each occupancy transfer of professionally managed units.

Additionally, it can also apply this fee to short-term rentals in two- or three-family dwellings that include the operator's primary residence, following a separate vote.

Operators must pay these fees to the commissioner alongside related excise taxes, and the collected fees are distributed to the city or town, with at least 35% allocated to affordable housing or local infrastructure projects.

STATE	LEGISLATION	SUMMARY
Michigan	MCL - Section 324.11532 (LINK)	<p>A municipality can impose an impact fee of up to 30 cents per ton on solid waste disposed of in a landfill, which must be uniform for all waste types. If the landfill is in a village, the township imposes the fee through an agreement. Municipalities can negotiate higher fees with landfill owners. Fees are collected by the landfill operators and must be paid quarterly to the municipality, with adjustments for any existing revenues from agreements or permits. Collected fees go into the municipal general fund unless a trust fund is established to handle them, which is managed by a board of trustees that includes municipal officials and appointed residents. The funds can be used for public health and safety initiatives, but cannot be used to support lawsuits against landfill operators unless the operators have initiated legal action against the municipality.</p>
Minnesota	N/A	N/A
Mississippi	N/A	N/A
Missouri	N/A	N/A

STATE

LEGISLATION

SUMMARY

Montana

MT Code § 7-6-1604 (2024) ([LINK](#))

The Montana Impact Fee Statute establishes a framework for governmental entities to impose impact fees on new development projects to fund necessary capital improvements for public facilities. The legislation defines key terms while outlining the requirements for conducting a service area report that analyzes existing facilities, forecasts future needs, and establishes proportional costs associated with the impact fees. This statute ensures that the fees collected are directly related to the additional demand placed on public infrastructure by new developments.

Nebraska

N/A ([LINK](#))

Nebraska does not have a statewide impact fee enabling statute. Instead, the authority for imposing impact fees is derived from local government powers and supported by case law. Municipalities like the City of Lincoln have implemented impact fee programs based on their general police powers to protect public health, safety, and welfare. These local programs are typically structured around capital improvement plans and are designed to ensure that new development contributes to the cost of infrastructure expansion. However, the absence of a formal state-level enabling act means that impact fee authority in Nebraska is more limited and potentially subject to legal challenge compared to states with explicit statutory frameworks.

STATE

LEGISLATION

SUMMARY

Nevada

NV. Rev. Stat., § 278B ([LINK](#))

Legislation allows local governments to impose impact fees on new developments to help finance necessary capital improvements, such as infrastructure projects related to water, sanitation, parks, and public safety facilities. It aims to ensure that new developments contribute to the costs associated with expanding or enhancing public services and facilities required to accommodate increased population or urban growth, thereby promoting responsible land use planning and equitable distribution of infrastructure costs among developers and the community.

New Hampshire

NH Rev Stat § 674:21 (2024) ([LINK](#))

Legislation allows municipalities to impose fees on new developments to help fund necessary capital improvements, such as infrastructure upgrades and public facilities, that will be impacted by the development. The fees are designed to be proportional to the capital needs created by the new development and can only be used for specific improvements related to the development's impacts. To implement impact fees, municipalities must have a capital improvements program in place, and the fees must be accounted for separately from the general fund, ensuring they are spent solely for their intended purposes. Fees are assessed at the time of planning board approval for subdivisions or site plans.

STATE

New Jersey

LEGISLATION

N.J. Perm. Stat., § 27:1C-1 et seq.; § 40:55D-42
([LINK](#))

SUMMARY

New Jersey allows impact fees, though they are not called that explicitly in the statutes.

§ 27:1C-1 et seq., known as the New Jersey Transportation Development District Act of 1989, allows for the creation of Transportation Development Districts (TDDs).

Within these districts, developers may be required to contribute to transportation infrastructure improvements that are necessary due to new development. The statute provides a framework for planning, funding, and implementing transportation projects through public-private partnerships and coordinated regional planning.

§ 40:55D-42 is part of the Municipal Land Use Law (MLUL) and authorizes municipalities to require developers to pay their proportionate share of off-tract improvements, such as roads, drainage, and utilities, that are necessary due to their development but located outside the immediate project site.

This ensures that developers contribute to broader infrastructure needs without overburdening local governments.

STATE

LEGISLATION

SUMMARY

New Mexico

New Mexico Stat. Ann., § 5-8-1 et seq. ([LINK](#))

The New Mexico Development Fees Act authorizes municipalities and counties to impose development impact fees on new construction to fund public infrastructure improvements necessitated by growth. The statute requires local governments to adopt land use assumptions, prepare a capital improvements plan, and conduct a development fee analysis to ensure that fees are proportionate to the impact of development. It also mandates public hearings, transparency, and the establishment of an advisory committee to review and recommend fee structures. The law includes provisions for credits, refunds, and appeals.

New York

N/A ([LINK](#))

New York does not have explicit legislation authorizing municipalities to impose general-purpose impact fees. Instead, local governments rely on their home rule authority and zoning powers to negotiate development-related contributions, such as through special assessments or developer agreements. This legal ambiguity limits the scope and consistency of infrastructure funding from new development and can expose municipalities to legal challenges. The absence of a clear statutory framework presents an opportunity for state-level reform to provide municipalities with more predictable and legally sound tools for managing growth-related infrastructure costs.

STATE

LEGISLATION

SUMMARY

North Carolina

N/A ([LINK](#))

North Carolina's approach to impact fees has evolved from a historically restrictive stance to a more permissive framework. Senate Bill 437 now generally authorizes cities and counties to impose impact fees on new construction for a range of community services, including roads, parks, schools, and emergency facilities. These fees must be uniform, based on the capital costs attributable to the new development, held in separate capital reserve funds, and subject to developer credits and a challenge process, aiming to balance local government funding needs with concerns about housing affordability.

North Dakota

N/A ([LINK](#) and [LINK](#))

North Dakota does not have a general enabling statute that authorizes municipalities to impose impact fees for new development. The state relies on more limited tools such as special assessments, developer agreements, and zoning regulations to manage infrastructure costs. A review of recent legislative activity, including bills like SB 2082 and SB 2057, shows a focus on court fees, hazardous chemical fees, and restitution-related costs, but no indication of a move toward enabling broad-based impact fees. This suggests that local governments in North Dakota may face constraints in proactively funding infrastructure tied to growth, unless future legislation explicitly grants that authority.

STATE

LEGISLATION

SUMMARY

Ohio

N/A ([LINK](#), [LINK](#) and [LINK](#))

Ohio does not have a statewide statute to impose impact fees for new development. Instead, local governments typically rely on home rule authority, zoning powers, and special assessments to fund infrastructure improvements related to growth. While some jurisdictions may impose fees that function similar to impact fees — such as capacity charges for water and sewer systems — these are governed by specific utility statutes. Recent legislative activity has focused on construction and demolition debris (C&DD) fees, which are environmental in nature and not general development impact fees. There is no indication from current or recent bills that Ohio is moving toward adopting a broader impact fee framework.

Oklahoma

Oklahoma Statutes, § 62-895 ([LINK](#) and [LINK](#))

The Oklahoma Development Impact Fee Act provides limited authority for municipalities with populations over 200,000 to impose impact fees for public infrastructure improvements. These fees must be tied to needs created by new development, used solely for capital improvements, and managed through separate accounts. The law also requires a capital improvements plan, a clear fee calculation methodology, and a credit system for developers who contribute infrastructure directly. While it offers a framework for impact fees, this statute is narrow in scope and applies only to the state's largest cities.

STATE

LEGISLATION

SUMMARY

Pennsylvania

N/A ([LINK](#), [LINK](#) and [LINK](#))

The Pennsylvania Municipalities Planning Code (Article V-A) authorizes municipalities statewide to levy transportation impact fees on new development to help fund off-site road improvements necessitated by growth. These fees must be calculated through a prescribed process based on the costs of planned transportation capital improvements and the number of peak-hour trips generated by the development. The MPC requires municipalities to adopt an ordinance, place revenues in a dedicated account, and provide credits or refunds where appropriate, while prohibiting use of the fees for routine maintenance or to remedy existing deficiencies.

Rhode Island

General Laws of Rhode Island, §45-22.4 ([LINK](#) and [LINK](#))

Rhode Island General Laws § 45-22.4, known as the Rhode Island Development Impact Fee Act, provides the legal framework for municipalities to assess and collect impact fees from developers to fund public infrastructure improvements necessitated by new development. The statute outlines the legislative intent, defines key terms, and establishes procedures for calculating, collecting, spending, and refunding impact fees. It ensures that fees are proportionate to the development's impact and used specifically for capital improvements like roads, schools, and public safety facilities. The law also includes provisions for compliance, adoption, and severability.

STATE

LEGISLATION

SUMMARY

South Carolina

Code of Laws of South Carolina, § 6-1-910 et seq.
([LINK](#) and [LINK](#))

South Carolina Code of Laws § 6-1-910 et seq. (South Carolina Development Impact Fee Act) authorizes local governments to impose impact fees on new development to fund public infrastructure improvements. These fees help ensure that new growth contributes fairly to the cost of expanding services such as roads, parks, schools, and public safety facilities. The statute outlines the procedures for adopting, calculating, and administering impact fees, including requirements for public involvement, capital improvement planning, and financial accountability.

South Dakota

N/A ([LINK](#))

South Dakota does not have a general statewide impact fee statute. However, under Chapter 34A-9 of the South Dakota Codified Laws, the state does allow agencies to assess fees for the preparation of environmental impact statements when a developer or applicant seeks a permit, license, or other public entitlement. These fees are intended to cover the cost of evaluating the environmental consequences of proposed projects.

While this is not a traditional impact fee system tied to capital improvements, it does represent a form of development-related cost recovery. The fees are assessed on a case-by-case basis and are tied to the environmental review process rather than a standardized fee schedule.

STATE

LEGISLATION

SUMMARY

Tennessee

N/A ([LINK](#) and [LINK](#))

Tennessee does not have a statewide statute. Instead, the authority to impose development-related fees is granted through specific acts of the General Assembly or under home rule charters. This means only certain counties or municipalities have been authorized to levy such fees, typically for infrastructure such as roads or schools. These fees must be reasonably related to the impact of development and used for capital improvements.

Texas

Texas Local Government Code Ann., Title 12, § 395.001 et seq. ([LINK](#), [LINK](#) and [LINK](#))

The Texas Impact Fee Statute provides authority for municipalities and certain local governments to impose impact fees on new development. These fees are used to fund or recoup the costs of capital improvements or facility expansions necessitated by growth. The statute defines key terms and outlines the process for adopting fees, including public hearings and detailed planning requirements. It ensures that fees are proportionate, transparent, and tied directly to the infrastructure needs created by new development.

A recent update requires greater transparency by making land use assumptions, capital improvement plans, and fee changes public before hearings. It sets a three-year limit on fee raises, requires a two-thirds vote for approval, mandates independent financial audits, and allows the Attorney General to challenge fees on behalf of property owners.

STATE

LEGISLATION

SUMMARY

Utah

Utah Code, § 11-36-101 et. seq. ([LINK](#), [LINK](#) and [LINK](#))

Utah Code § 11-36a-101 et seq. (Impact Fees Act) governs how local governments may assess and collect impact fees from new development to fund public infrastructure. The statute requires municipalities and special districts to prepare an impact fee facilities plan and conduct an impact fee analysis before imposing fees. It defines key terms like “development activity,” “public facilities” and “encumber,” and mandates that fees be proportionate to the impact of the development. The law ensures transparency, accountability and fairness in how fees are calculated, imposed and spent.

Vermont

24 VT Stats § 5200 ([LINK](#))

This establishes the purpose of Vermont’s impact fee law, stating that municipalities are authorized to require new developments to pay their fair share of the costs associated with municipal and school capital projects. The goal is to ensure that growth and construction do not place an undue financial burden on existing residents and infrastructure. By allowing municipalities to assess impact fees, the statute promotes responsible development and helps maintain the quality and sustainability of public services.

STATE

LEGISLATION

SUMMARY

Virginia

Virginia Code Ann., § 15.2-2317 et seq ([LINK](#) and [LINK](#))

Virginia Code § 15.2-2317 et seq. outlines the state's Road Impact Fee, which allows certain high-growth localities to impose fees on new development to help fund transportation infrastructure improvements. The statute applies only to jurisdictions that meet specific population and growth criteria, and have adopted zoning ordinances. It sets forth the legal authority and framework for calculating, assessing and using road impact fees, ensuring that new development contributes proportionally to the cost of expanding road networks.

Washington

WA Rev Code § 82.02.050 (2024) ([LINK](#) and [LINK](#))

Washington Rev. Code § 82.02.050 (2024) establishes legislative intent and limitations for imposing impact fees. The statute authorizes local governments that plan under the Growth Management Act to assess impact fees on new development to help fund public facilities. Fees must be proportionate, not duplicative, and collected through transparent procedures. The law also requires a deferral system on single-family residential construction, allowing postponement of payment until final inspection, certificate of occupancy or property sale. Impact fees must be balanced with other funding sources and cannot be the sole means of financing infrastructure improvements.

STATE

LEGISLATION

SUMMARY

West Virginia

West Virginia Code § 7-20-1 et seq. ([LINK](#))

West Virginia Code § 7-20-1 et seq. (“Fees and Expenditures for County Development”) authorizes counties in West Virginia to impose impact fees on new development to fund capital improvements. The statute allows fees for infrastructure and public safety facilities. It outlines the procedures for adopting impact fees, including the need for a capital improvement plan, public hearings, and clear criteria to ensure that fees are proportionate to the development’s impact. The law also provides credits, offsets and refund mechanisms to ensure fairness and transparency.

Wisconsin

WI Stat § 66.0617 (2024) ([LINK](#) and [LINK](#))

Wisconsin Statutes § 66.0617 (2024) governs the use of impact fees by municipalities to fund public infrastructure improvements necessitated by new development. The statute allows fees on developers in the form of cash, land contributions or other items of value. These fees must be tied to the capital costs of constructing or expanding public facilities such as roads, water and sewer systems, parks, libraries, and emergency services, but not schools. The law requires municipalities to define service areas and standards, conduct proper planning, and provide a formal process for developers to contest fees. It also limits certain administrative costs and mandates transparency and proportionality in fee assessments.

STATE

Wyoming

LEGISLATION

N/A ([LINK](#))

SUMMARY

Wyoming's approach to industrial development impact mitigation is unique in that it proactively distributes state sales and use tax revenues to local governments affected by large industrial projects. Through an Impact Assistance Program administered by the Industrial Siting Council, the state determines and allocates funds to mitigate anticipated socioeconomic and environmental impacts. Unlike other states, which typically rely on local impact fees or developer agreements, Wyoming uses a centralized, state-funded model to support counties, cities and towns before or during the onset of industrial development impacts.