



2. The party claiming that a legislative act is unconstitutional sustains the burden of clearly demonstrating such unconstitutionality. Haman v. Marsh, 237 Neb. 699, 708, 467 N.W.2d 836, 844 (1991). All reasonable doubts concerning the constitutionality of legislation will be resolved in favor of constitutionality. Haman at 708, 467 N.W.2d at 844.

3. Sections 66-1326 and 66-1329 of the Ethanol Development Act do not constitute an unlawful extension of the state's credit being given or loaned in the aid of an individual, association or corporation in violation of Neb. Const. Art. XIII, §3.

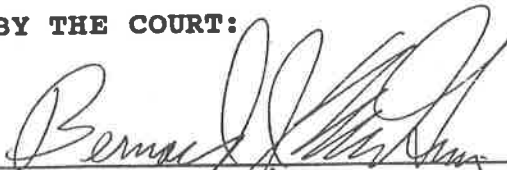
4. The Ethanol Development Act serves a valid public purpose as evidenced by Neb. Rev. Stat. §§66-1331 and 1332 (Supp. 1993).

5. The Court finds that the defendant has shown that the pleadings, depositions, admissions, stipulations, and affidavits in the record do not disclose a genuine issue of material fact.

6. For these reasons the defendant's motion for summary judgment is granted and judgment is hereby entered dismissing plaintiff's petition at plaintiff's costs.

**DATED AND SIGNED** this 7th day of March, 1994.

**BY THE COURT:**

  
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**Bernard J. McGinn**  
District Judge