

77-617. Limitations on new issues. A person may obtain judicial review of an issue that was not raised before the agency, only to the extent that:

- (a) The agency did not have jurisdiction to grant an adequate remedy based on a determination of the issue;
- (b) the agency action subject to judicial review is a rule and regulation and the person has not been a party in adjudicative proceedings which provided an adequate opportunity to raise the issue;
- (c) the agency action subject to judicial review is an order and the person was not notified of the adjudicative proceeding; or
- (d) the interests of justice would be served by judicial resolution of an issue arising from:
 - (1) A change in controlling law occurring after the agency action; or
 - (2) agency action occurring or first reasonably knowable to the person after the person exhausted the last feasible opportunity for seeking relief from the agency.

History: L. 1984, ch. 338, § 17; L. 1987, ch. 184, § 4; L. 2009, ch. 109, § 27; July 1.