

- (5) In any calendar quarter in the employ of a school, college, or university, if such service is performed by a student who is enrolled and regularly is attending classes at such school, college, or university, or by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:
  - (a) The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university; and
  - (b) Such employment will not be covered by any program of unemployment insurance.
- (6) In the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, except as provided in subdivision g of subsection 17.
- (7) As a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly is attending classes in a nurses' training school chartered or approved pursuant to state law and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to a state law.
- (8) By an individual for a person as an insurance agent, as an insurance solicitor, as a real estate salesman, or as a securities salesman, if all such services performed by such individual for such persons is performed for remuneration solely by way of commission.
- (9) By an individual under the age of eighteen in delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.
- (10) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this paragraph does not apply to service performed in a program established for or on behalf of an employer or group of employees.
- (11) In the employ of a hospital, if such service is performed by a patient of the hospital, as defined in subsection 25.
- (12) By an individual under the age of eighteen as a golf caddy, except for service described in subdivisions f and g of subsection 17.
- j. Service covered by an arrangement between the bureau and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election are deemed to be performed entirely within such agency's state.
- k. Service performed for a private for-profit person or entity by an individual as a landman if substantially all remuneration, including payment on the basis of a daily rate, paid in cash or otherwise for the performance of the service is directly related to the completion by the individual of the specific tasks contracted for rather than to the number of hours worked by the individual, and the services are performed under a written contract between the individual and the person for whom the services are performed which provides that the individual is to be treated as an independent contractor and not as an employee with respect to the

services provided under the contract. For purposes of this subdivision, "landman" means a land professional who has been engaged primarily in:

- (1) Negotiating the acquisition or divestiture of mineral rights;
  - (2) Negotiating business agreements that provide for the exploration for or development of minerals;
  - (3) Determining ownership of minerals through research of public and private records;
  - (4) Reviewing the status of title, curing title defects, and otherwise reducing title risk associated with ownership of minerals;
  - (5) Managing rights or obligations derived from ownership of interests and minerals; or
  - (6) Activities to secure the unitization or pooling of interests in minerals.
- l. Service performed by an owner of a general partnership, limited partnership, limited liability partnership, limited liability limited partnership, or a limited liability company, unless the organization is treated as a corporation for purposes of federal income taxation.
  - m. Service performed as a participant in an Americorps program authorized and funded by the National and Community Service Act of 1990 [Pub. L. 101-610; 42 U.S.C. 12501 et seq.].
19. "Employment office" means a free public employment office or branch thereof operated by this or any other state as a part of a state-controlled system of public employment offices or by a federal agency charged with the administration of an unemployment compensation program or free public employment offices.
  20. "Executive director" means the executive director of job service North Dakota.
  21. "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of chapter 52-07.1 for weeks of unemployment in the individual's eligibility period.
  22. "Fund" means the unemployment compensation fund established by the North Dakota unemployment compensation law, to which all contributions required and from which all benefits provided under the North Dakota unemployment compensation law must be paid.
  23. The term "governmental unit" means the state of North Dakota and all its political subdivisions, and all of its departments and instrumentalities.
  24. "Gross misconduct" means misconduct involving assault and battery, or the malicious destruction of property, or the theft of money or property.
  25. "Hospital" means an institution which has been licensed as a hospital by the licensing authority of the state of North Dakota.
  26. "Included and excluded service". If the service performed during one-half or more of any pay period by an individual for the person employing the individual constitutes employment, all the services of such individual for such period must be deemed to be employment, but if the service performed during more than one-half of any such pay period by an individual for the person employing the individual does not constitute employment, then none of the services of such individual for such period may be deemed to be employment. As used in this subsection, the term "pay period" means a period, of not more than thirty-one consecutive days, for which a payment of remuneration ordinarily is made to the individual by the person employing the individual. This subsection is not applicable with respect to services performed in a pay period by an individual for the person employing the individual, when any of such service is excepted by subdivision h of subsection 18.
  27. "Institution of higher education", for the purposes of the North Dakota unemployment compensation law, means an educational institution which:
    - a. Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate;
    - b. Is legally authorized in this state to provide a program of education beyond high school;