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101年特種考試地方政府公務人員考試試題

等 別：三等考試

類 科：各類科

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。
(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。
(三)禁止使用電子計算器。

- A 1 依憲法增修條文之規定，中華民國領土，依其固有疆域，非經以下立法院何種程序及人民投票複決，不得變更？
(A)全體立法委員四分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議
(B)全體立法委員五分之一之提議，全體立法委員三分之二之出席，及出席委員四分之三之決議
(C)全體立法委員四分之一之提議，全體立法委員三分之二之出席，及出席委員三分之二之決議
(D)全體立法委員五分之一之提議，全體立法委員四分之三之出席，及出席委員三分之二之決議
- C 2 相鄰之數個地方自治團體，為共同解決垃圾處理之問題，協議以共同出资方式興建焚化爐，並簽訂書面文件，此書面文件之法律性質為何？
(A)自治條例 (B)行政處分 (C)行政契約 (D)委辦規則
- C 3 有關直轄市名稱變更程序之敘述，下列何者正確？
(A)由內政部報行政院核定
(B)由直轄市政府提請市議會通過，報內政部核定
(C)由直轄市政府提請市議會通過，報行政院核定
(D)由直轄市政府提請市議會通過，由內政部轉報行政院核定
- D 4 下列何者不屬於居住及遷徙自由保障範圍？
(A)本國人民旅行自由 (B)本國人民入出境自由
(C)本國人民設定住居所自由 (D)本國人民變更國籍自由
- D 5 下列有關憲法第 14 條規定人民有結社自由之敘述，何者錯誤？
(A)憲法第 14 條規定人民有結社之自由，旨在保障人民為特定目的，以共同之意思組成團體並參與其活動之權利
(B)結社自由保障人民得以團體之形式發展個人人格
(C)結社自由有促使具公民意識之人民，組成團體以積極參與經濟、社會及政治等事務之功能
(D)團體之存續與內部組織之自由，非屬結社自由保障之範圍
- C 6 依司法院解釋，法院事實審之審理若僅實施下列何種制度，尚不符合憲法所保障人民訴訟權之本旨？
(A)對審及辯護制度 (B)言詞辯論 (C)書面審理 (D)直接審理
- C 7 下列何者屬於租稅法律主義之範圍？
(A)課稅要件事實之證據評價 (B)課稅要件事實之推定
(C)課稅要件事實之擬制 (D)課稅要件事實之間接證明
- B 8 當國家遭受外力威脅，致國家主權有改變之虞，總統如何發動公民投票？
(A)總統得直接就攸關國家安全事項，交付公民投票
(B)總統得經行政院院會之決議，就攸關國家安全事項，交付公民投票
(C)總統得經國家安全會議之決議，就攸關國家安全事項，交付公民投票
(D)總統得經立法院之決議，就攸關國家安全事項，交付公民投票
- D 9 總統、副總統候選人應聯名登記，在選票上同列一組圈選，下列敘述何者正確？
(A)若未有任何一組得票超過有效投票數之半數以上，則以得票最多之前兩名總統候選人為正副總統
(B)若第一輪投票未有任何一組得票超過有效投票數之半數以上，須舉行第二輪投票
(C)若第一輪投票未有任何一組得票超過有選舉權人之半數以上，須舉行第二輪投票
(D)以得票最多之一組為當選
- B 10 依憲法增修條文之規定，立法院對行政院院長不信任案之表決，應以何種方式為之？
(A)無記名投票 (B)記名投票 (C)由立法院院長裁決 (D)由立法院議決
- C 11 總統所發布之何種命令，無須經行政院會議之議決？
(A)戒嚴令 (B)緊急命令
(C)國防部部長之任免命令 (D)大赦令
- A 12 立法院經總統解散後，在新選出之立法委員就職前，下列敘述何者正確？
(A)視同立法院休會之狀態 (B)解散前立法委員仍得行使職權
(C)解散前立法院院長仍得召集開會 (D)解散前立法院視同看守國會

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- C 13 下列關於考試院正副院長及考試委員之產生程序，何者正確？
(A) 考試院院長，由總統提名，經立法院同意任命之；副院長、考試委員由院長提請總統提名，經立法院同意任命之
(B) 考試院院長、副院長，由總統提名，經立法院同意任命之；考試委員由院長提請總統提名，經立法院同意任命之
(C) 考試院院長、副院長、考試委員，由總統提名，經立法院同意任命之
(D) 考試院院長，由總統提名，經立法院同意任命之；副院長由院長提請總統提名，經立法院同意任命之；考試委員逕由院長提請總統任命之
- B 14 依憲法增修條文之規定，總統、副總統彈劾案之進程序為何？
(A) 由立法院提出，自由地區選舉人複決之 (B) 由立法院提出，司法院大法官審理之
(C) 由國民大會提出，自由地區選舉人複決之 (D) 由國民大會提出，立法院複決之
- D 15 人民對國家政策不滿，欲有所建言時，得行使下列何種權利？
(A) 抵抗權 (B) 訴願權 (C) 釋憲權 (D) 請願權
- A 16 下列何者不屬於中央法規標準法所稱之「命令」名稱：
(A) 通則 (B) 規則 (C) 準則 (D) 細則
- C 17 如法律案於立法院中，是在各政黨爭執不休的混亂狀況下完成三讀程序，依司法院釋字第 342 號解釋之意旨，總統是否可拒絕公布該法律？
(A) 是，因為法律案是否已合法完成三讀程序，仍有疑義
(B) 是，法律案之審議既然不符一般議事程序，總統即不應受拘束
(C) 否，法律案已完成形式立法程序，總統即應予以尊重
(D) 否，無論議決程序有無明顯重大瑕疵，總統有公布法律之義務
- B 18 高雄市議會擬修改高雄市公園管理自治條例，加重違規處罰，下列何種處罰額度之規定，違反地方制度法之規定？
(A) 違規駕駛機動車輛進入公園，處新臺幣六萬元以上十萬元以下罰鍰
(B) 張貼或豎立違規廣告物，處新臺幣六萬元以上十二萬元以下罰鍰
(C) 隨意晾曬衣物，處新臺幣三萬元至九萬元罰鍰
(D) 攜帶犬畜而不處理其排泄物，處新臺幣六百元以上一萬元以下罰鍰
- D 19 經直轄市議會通過，而直轄市政府得提出覆議者，為下列何種法規？
(A) 自律規則 (B) 委辦規則 (C) 自治規則 (D) 自治條例
- B 20 我國人民依行政法規向主管機關為訂立契約之申請，若主管機關依相關法規須基於公益之考量而為是否准許之決定，其因未准許致不能進入訂約程序者，此等申請人如有不服，其救濟程序為：
(A) 刑事訴訟 (B) 行政爭訟 (C) 民事訴訟 (D) 無救濟程序
- B 21 依司法院解釋，下列何種規定違反比例原則？
(A) 攜帶外幣出入國境須報明登記，違反者應予沒入
(B) 律師接見受羈押被告時，應予以監聽、錄音及錄影
(C) 名譽被侵害者，得請求回復名譽之適當處分
(D) 大陸地區人民經許可進入臺灣地區者，非在臺灣地區設有戶籍滿十年，不得擔任公務人員
- B 22 政府推動給付行政不得對受益人產生明顯過度之照顧，這是指應符合下列何原則？
(A) 明確性原則 (B) 比例原則 (C) 利益迴避原則 (D) 法律保留原則
- D 23 下列何者非用益物權？
(A) 不動產役權 (B) 地上權 (C) 農育權 (D) 留置權
- C 24 依民法規定，關於居間契約，下列敘述何者錯誤？
(A) 婚姻居間為法律所許可
(B) 婚姻居間契約如有約定報酬，就其報酬無請求權
(C) 居間契約為要式契約
(D) 居間人以因其報告或媒介而成立契約者為限，方得請求報酬
- D 25 有關遺產繼承之敘述，下列何者錯誤？
(A) 繼承於被繼承人死亡時開始
(B) 遺產管理的費用原則上應由遺產中支付之
(C) 繼承人有數人時，各繼承人對於被繼承人之債務負連帶責任
(D) 繼承人有數人時，在分割遺產前，遺產屬於各繼承人分別共有
- C 26 刑法對過失行為之處罰，下列敘述何者正確？
(A) 等同於故意行為之處罰 (B) 按照故意行為處罰之二分之一計算
(C) 以法律有特別規定要處罰者，才處罰之 (D) 視犯罪情節輕重，得免除其刑

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- C 27 刑法關於中華民國國防以外秘密之保護，下列敘述何者正確？
(A)刑法關於公務員洩漏中華民國國防以外秘密罪，只設處罰公務員之故意洩漏行為
(B)刑法關於公務員洩漏中華民國國防以外秘密罪，行為客體以經完成機密核定者為限
(C)洩漏中華民國國防以外秘密，行為主體不以公務員為限，非公務員亦有觸犯可能
(D)公務員假藉職務上之機會，故意洩漏中華民國國防以外秘密者，加重其刑至二分之一
- D 28 下列公司中，何者所有權與經營權分離之程度最高？
(A)無限公司 (B)兩合公司 (C)有限公司 (D)股份有限公司
- C 29 如勞工對雇主實施暴行，則有關下列敘述何者錯誤？
(A)雇主得不經預告終止勞動契約
(B)發生暴行後，雇主應於三十日內終止勞動契約，否則以後不得以同一事件終止勞動契約
(C)如勞工年資達五年以上，雇主終止勞動契約，仍應給予資遣費
(D)雇主終止勞動契約，不須給予資遣費
- A 30 民法第 245 條規定，債權人聲請法院撤銷債務人所為之債權詐害行為，自債權人知有撤銷原因時起，一年間不行使而消滅。此一年期間之性質為：
(A)除斥期間 (B)消滅時效 (C)猶豫期間 (D)抗告期間
- B 31 Mary complains about her boss a lot because he is a very _____ person. He's easily affected or upset by things people say to him.
(A) sensible (B) sensitive (C) pragmatic (D) practical
- A 32 Lincoln's debates with his opponents on slavery in the Illinois senate campaign _____ him as a national figure and potential presidential candidate.
(A) established (B) accomplished (C) denounced (D) pronounced
- D 33 Many people dream of country living with its clean fresh air, but occasionally the dream is _____ by unpleasant odors from animal feeding operations.
(A) swallowed (B) scattered (C) shifted (D) shattered
- B 34 When elephant families came across the _____ of a dead elephant, they stopped, inspected the body, and fondled the bones as if trying to identify the dead one.
(A) puzzle (B) carcass (C) offspring (D) victim
- B 35 Many lupus patients suffer through a long _____ of treatment before the disease is ever accurately diagnosed.
(A) matrix (B) odyssey (C) patron (D) reproach
- C 36 A recent poll shows that _____ 81 percent of college students are eligible for some form of financial aid, only 63 percent of these students are recipients of such aid.
(A) if (B) since (C) while (D) even

第 37 題至第 40 題為題組

As a food label is often nothing more than an advert to tempt you to buy the product, you should pay particular attention to the choice of words used. 37 watch out for the word "flavor," as this may mean that the product contains 38 ingredients. Chocolate-flavor topping, for example, will not contain chocolate, even though chocolate-flavored topping will contain a small percentage—so read carefully. Many manufacturers also use a range of 39 descriptions. Feel-good words intentionally blur the true nature of a product's source. 40, "fresh egg pasta," means that the pasta was indeed made with real and not powdered eggs, but maybe months ago. Words that you can trust are "organic," "wholemeal," "natural mineral water," "Fair Trade," "free range," and the "V" vegetarian symbol.

- D 37 (A) Will (B) Should (C) Never (D) Always
- B 38 (A) wrong (B) synthetic (C) natural (D) right
- D 39 (A) nutritional (B) informal (C) careless (D) misleading
- C 40 (A) Nevertheless (B) However (C) For example (D) Moreover
- B 41 The wait-and-see approach to networking in your professional circle is like playing the lottery—hanging on to your ticket and hoping you get lucky.
(A) If you simply let others in your professional circle to take the initiative to stay in touch with you, you can only hope you'll get lucky when you play the lottery.
(B) Without taking the initiative to work on your professional networking, you are simply betting on your luck when you need someone to come to your help.
(C) Running your professional networking is just like playing the lottery—you are bound to be disappointed if you simply wait for others to offer their services to you.
(D) When you run your professional networking like playing the lottery, you are quite sure that someone will come to your help.
- A 42 Since life is too short, it's high time that you drank from your finest crystal glasses and ate from your most delicate china.
(A) You had better start to treat every day in your life as a special occasion.
(B) You should start to buy some high-quality crystal glasses and dining china for your life.
(C) You should start to show your generosity by sharing your fine, delicate personal belongings with people in your life.
(D) You should try to make the most of your life by saving good things for special occasions.

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- A 43 When everyone begins to agree and there are no contradictory voices, even the most ill-conceived ideas can take root.
- (A) When everyone in a group begins to have the same views on everything, even the worst ideas might be taken into account.
- (B) When everyone in a group begins to listen to and believe in one another, even well-meant ideas may be viewed truly evil.
- (C) When a group of people never agree with one another, they may end up coming up with some wrong ideas.
- (D) When a group of people never see things in different ways, they will never have to worry whether their ideas are good or bad.
- A 44 As cheers from the sold-out audience of 9,200 reverberated around the baseball stadium, the star pitcher delivered the ball to home plate.
- (A) The famous pitcher threw the ball to home plate as the crowd's cheers filled the stadium.
- (B) The famous pitcher was injured when he was throwing a ball to home plate in the crowded stadium.
- (C) When the famous pitcher threw the ball to home plate, the audience got out of control in the stadium.
- (D) When the famous pitcher was injured throwing a ball to home plate, a big cheers arose from the audience.
- B 45 In recent years, scientists and doctors have made huge strides in treating killer diseases, but the cure for the common cold has remained out of reach.
- (A) Scientists and doctors have found cures and treatment for many serious diseases including the common cold.
- (B) There have been great progresses in treating severe illness except the treatment for the common cold.
- (C) Many people have been killed by serious diseases, but the cures for them have remained impossible.
- (D) In order to cure the common cold, scientists and doctors have developed different ways of treatment.

第 46 題至第 50 題為題組

Using echo-planar magnetic resonance spectroscopic imaging procedure (EP-MRSI) to treat mental illness is a completely different approach only because of the way the magnetism is applied to the brain. The notion that the brain might respond to magnets and electricity actually goes way back. The EP-MRSI study is an example of burgeoning new research on an old idea—that the brain is an electromagnetic organ and that brain disorders might result from disarray in magnetic function. The idea has huge appeal to psychiatrists and patients alike, since for many people the side effects of psychiatric drugs are almost as difficult to manage as the disease itself. Also, 30 percent of the nearly 18.8 million Americans who suffer from depression do not respond to any of the antidepressants available now.

What is it about the brain that makes it especially receptive to electromagnetic stimulation? A partial answer can be found in the neuron, the electrically and chemically excitable nerve cell that receives, processes, and transmits information in the brain. When neurons are activated by magnets or electricity, the nature of their signals changes—affecting everything from mood to cognition and memory.

- C 46 What is the best title for this passage?
- (A) The Miracles of Human Brain (B) Experiencing a New Therapy
- (C) A New Hope for Mental Illness (D) Modern Technology
- D 47 Which of the following statements is true about EP-MRSI?
- (A) EP-MRSI treatments have been used for mental illness for centuries.
- (B) It is an advanced magnetic brain scanning technology.
- (C) It is a major breakthrough in dealing with physical disorders.
- (D) It has not been used on Americans who suffer from depression.
- D 48 Which of the following statements is true about “neurons”?
- (A) Neurons are excitable but cannot be activated.
- (B) Neurons cannot be influenced by the power of a magnet.
- (C) Neurons can be found only in the brain.
- (D) People's feeling or memory may change if the nature of neurons' signals changes.
- A 49 According to the passage, which of the following statements is true?
- (A) The brain is dynamic. (B) Antidepressants work well on all patients.
- (C) Mental disorders are incurable. (D) Side effects of psychiatric drugs are easy to control.
- B 50 Which of the following statements best describes the theory regarding magnetism discussed in the passage?
- (A) Treatments using magnets can be a new approach to physical recovery.
- (B) Electromagnetic therapy can be used to cure mental disorders.
- (C) Disarray in magnetic function takes place when the human nervous system is magnetized.
- (D) The brain is not receptive to electromagnetic stimulation.