

99年特種考試地方政府公務人員考試試題

代號：2301
頁次：8-1

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。

- 依司法院釋字第 485 號解釋，「促進民生福祉」之憲法原則尚無法從下列何項規定導出？
(A)憲法前言 (B)憲法第 1 條 (C)權力分立原則 (D)基本國策
- 依司法院解釋，下列何者屬於憲法保留事項？
(A)人身自由之保障 (B)對財產權限制
(C)對工作權之限制 (D)納稅義務之減免
- 有關地方自治，下列敘述何者正確？
(A)不為憲法所保障
(B)與住民自治之理念無關
(C)具有垂直分權之功能
(D)立法院有權強制地方自治團體行政機關之有關人員到會備詢
- 依據司法院解釋，指紋乃重要個人資訊，個人對其指紋資訊之自主控制，受下列何項權利之保障？
(A)資訊公開請求權 (B)資訊隱私權 (C)表意自由 (D)請求人身自由
- 依憲法增修條文第 10 條第 5 項之規定，國家應推行全民健康保險，大法官認為此處之「國家」所指為何？
(A)專指中央而言 (B)專指地方而言
(C)兼指中央及地方而言 (D)尚待大法官解釋
- 依藥事法規定，藥商刊播藥物廣告時，應於刊播前申請衛生主管機關核准，不涉及下列何種基本權利之限制？
(A)隱私權 (B)財產權 (C)營業自由 (D)表意自由
- 立法院的預算審查權係就行政院所提出的預算案為對象，然而下列何者為審查權行使之特別限制？
(A)不得刪除浮濫支出之預算 (B)不得審查立法院之預算
(C)不得為增加支出之提議 (D)不得審查總統府之預算
- 依司法院解釋，下列何者與刑事被告正當法律程序之保護無直接關聯？
(A)詰問證人之權利 (B)證據排除法則 (C)自白任意性 (D)法官兼任庭長
- 法律規定人民入出境均應經主管機關之許可，涉及何種基本權利？
(A)居住遷徙自由 (B)人身自由 (C)秘密通訊自由 (D)職業選擇自由

- 10 有關憲法所規定的總統職權，下列敘述何者正確？
- (A)總統統率陸海空三軍，是為最高統帥權，所指僅為軍令權，不包括軍政權
 - (B)依據憲法增修條文相關規定，總統依法公布法律、發布命令，不須行政院院長之副署
 - (C)總統可拒絕公布法律
 - (D)總統行使締約、宣戰等權，仍須經行政院會議通過及經立法院決議
- 11 依司法院解釋，下列何者與平等原則有違？
- (A)戒嚴時期人民受損權利回復條例僅規定對受無罪判決確定前喪失人身自由者予以賠償，不包含不起訴處分確定前後、無罪判決確定後喪失人身自由者
 - (B)就業服務法就外國人眷屬在勞工保險條例實施區域以外發生死亡事故者，限制其不得請領喪葬津貼
 - (C)兵役法規定中華民國男子依法皆有服兵役之義務，女子則無服兵役之義務
 - (D)法律對於各類食品、菸品、酒類等商品所規定之標示義務有所不同
- 12 總統副總統選舉，選舉人領得選舉票後，因身心障礙不能自行圈投時，下列處理方式何者正確？
- (A)選票之圈投應親自為之，故應收回其選票
 - (B)得依其請求，由家屬一人在場，依據本人意思代為圈投
 - (C)其無家屬在場者，得依其請求，由投票所管理員一人，依據本人意思代為圈投
 - (D)其無家屬在場者，得依其請求，由投票所監察員一人，依據本人意思代為圈投
- 13 依憲法增修條文之規定與司法院解釋，行政院院長何時應提出辭職？
- (A)立法院未通過行政院提出之預算案時
 - (B)總統對於行政院所提出之覆議案不予核可時
 - (C)立法院對行政院院長所提出之不信任案通過時
 - (D)行政院向立法院提出之覆議案，經全體立法委員二分之一以上決議維持原案時
- 14 在我國負責監督政府所屬全國各機關預算之執行機關為下列何者？
- (A)行政院金融監督管理委員會
 - (B)財政部
 - (C)經濟部
 - (D)審計部
- 15 依司法院解釋，軍人在平時經終審軍事審判機關宣告有期徒刑以上之案件，應許其向下列何機關以判決違背法令為理由請求救濟？
- (A)國防部
 - (B)監察院
 - (C)普通法院
 - (D)行政法院
- 16 下列何者屬於自由法運動的主張？
- (A)強調法律體系在邏輯上完美無缺
 - (B)拒絕司法造法
 - (C)批判概念法學
 - (D)主張國家制定的法律是唯一的法源
- 17 下列關於歷史法學派的敘述，何者錯誤？
- (A)可以說明法律無法繼受的原因
 - (B)主張法律之進化係人的理性創造
 - (C)認為法律祇能自然成長，不可人為制定
 - (D)強調法律乃由民族的法律確信而生

- 18 直轄市、縣（市）合併改制為直轄市，原縣（市）之自治法規應由何機關廢止之？
(A)改制前之縣（市）政府 (B)改制後之直轄市政府
(C)改制前之直轄市政府 (D)改制後之縣（市）政府
- 19 依民法第 1063 條第 1 項規定，妻之受胎係在婚姻關係存續中者，所生之子女為其婚生子女，此即法律適用上所稱之何者？
(A)推定 (B)擬制 (C)準用 (D)類推
- 20 勞動基準法係勞工勞動條件之最低標準，性質上係屬下列何一規範方式？
(A)任意規定 (B)訓示規定 (C)單向強行禁止 (D)雙向強行禁止
- 21 依司法院釋字第 558 號解釋，法律若規定國民入出境均應經許可，且對未經許可入境者予以刑罰制裁，係違反何種原則？
(A)誠信原則 (B)比例原則 (C)明確性原則 (D)不當聯結禁止原則
- 22 甲至乙開設之二手車行買車，適逢乙出國，遂由店員丙接待。甲有意購買展售之 A 車，遂問丙 A 車是否為泡水車，丙隱匿 A 車為泡水車之事實，甲在不知情下買 A 車。一年兩個月後，好友丁向甲借 A 車，發現該車為泡水車，馬上告知甲。甲當天至乙之車行，要求撤銷該車之買賣契約。請問下列敘述何者正確？
(A)甲不得撤銷該買賣契約，因過了除斥期間
(B)甲不得撤銷該買賣契約，因係第三人丙詐欺，乙當時並不知情
(C)甲不得撤銷該買賣契約，因消極隱匿事實並非詐欺
(D)甲得向乙撤銷該買賣契約
- 23 甲對乙有新臺幣 100 萬元之債權，甲擅自將該債權讓與丙，乙不知悉，甲、丙間之債權讓與效力如何？
(A)有效 (B)無效 (C)效力未定 (D)須通知乙始生效力
- 24 甲有配偶乙，父母丙、丁，子女 A、B、C，孫子女 D、E，此外別無其他親屬。甲死亡時留下遺產 120 萬元，並未留下遺囑。請問依照民法規定，其遺產最後將如何分配？
(A)乙 60 萬元，丙、丁各 30 萬元
(B)A、B、C 各 40 萬元
(C)乙 30 萬元，丙、丁各 20 萬元，A、B、C 各 10 萬元，D、E 各 10 萬元
(D)乙、A、B、C 各 30 萬元
- 25 以下何種犯罪行為「不適用」中華民國刑法加以處罰？
(A)我國已婚公民甲男在美國某地與未婚之乙女登記結婚
(B)我國國民甲在航行於公海上之中華民國船艦上毆傷本國人乙
(C)外國人某甲在美國持刀刺死本國人乙
(D)某人口販子外國人甲將外國幼童乙販賣至第三國

- 26 股份有限公司經董事會特別決議後，得與員工簽訂認股權契約，公司發給員工認股權憑證。請問，員工除繼承外，得否轉讓此一認股權憑證？
- (A)可以，蓋基於股份自由轉讓原則，不得限制之
(B)可以，蓋員工係支付對價取得員工認股權憑證，自不得限制其轉讓
(C)不可以，蓋為使員工持有公司股份，增加員工向心力
(D)不可以，蓋為保護投資人，自不得任由員工轉讓權利義務不明確之認股權憑證
- 27 「醫師甲為了搶救病患乙，抽了不知情之病人丙的血，並為昏迷中之乙開刀」，上述行為與下列何種阻卻違法事由無關？
- (A)正當防衛 (B)被害者的承諾
(C)緊急避難 (D)業務上正當行為
- 28 依消費者保護法規定，企業經營者在定型化契約中所用之條款，應本於何種原則？
- (A)企業有利原則 (B)消費者有利原則
(C)平等互惠原則 (D)市場有利原則
- 29 關於全民健康保險的實施原則，下列何者為正確？
- (A)保險對象不含勞保、公保之被保險人
(B)保險給付與被保險人之投保金額相關
(C)個別被保險人之保險費與所受保險給付之內容相關
(D)保險財務仍需政府補助
- 30 以下撫育未滿三歲子女之受僱者，何者得依據性別工作平等法之規定，申請育嬰照顧假？
- (A)任職滿一年者 (B)配偶未就業，任職滿六個月者
(C)配偶未就業，任職滿九個月者 (D)配偶已就業，任職滿六個月者
- 31 Gold has a ___ beauty that is resistant to corrosion; therefore, it is suitable for making jewelry.
- (A)lush (B)lucid (C)lustrous (D)luscious
- 32 Some doctors have been criticized for being insensitive; they seem to be ___ the suffering of their patients.
- (A)condemned to (B)intimate with
(C)devoted to (D)detached from
- 33 The mastery of basic reading skills is the most important goal in primary education since reading is the basis for much of all ___ learning.
- (A)sufficient (B)subsequent (C)adjacent (D)frequent
- 34 They have developed some new sweet and juicy tomatoes which will not become ___ as fast as old ones.
- (A)hard (B)rough (C)fresh (D)rotten

- 35 When the famine took place in the mid-forties in the nineteenth century, the Irish had to ___ the goodwill of other countries except Britain, their colonizer.
- (A)rely on (B)carry out (C)withdraw from (D)fall off
- 36 Distance is not a problem in the world of the Internet, which is why many local stores with its help have become popular throughout Taiwan.
- (A)Many popular stores have solved the problem of the Internet by shortening the distance in Taiwan.
(B)Many local stores offer free Internet service throughout Taiwan to solve the problem of distance.
(C)Many local stores using the Internet to do business have become popular throughout Taiwan.
(D)Many in-store Internet services become popular in Taiwan because they solve the problem of distance.

閱讀下文回答 37~41 題

We are all aware of the damage that modern industry can cause to the world's ecology, but few people are aware of the 37 widely spoken languages have on other languages and ways of life. English has spread all over the world. Chinese, Spanish, Russian, and Hindi have become powerful languages as well. As these languages become more powerful, their use as tools of business and culture increases. As this happens, hundreds of languages that are spoken by a few die out all over the world.

Scholars believe there are around 6,000 languages around the world, but more than half of them could 38 within the next 100 years. Aore is the language native to Vanuatu, located in the Pacific Ocean. Like Catawba before Red Thunder Cloud's death, it is spoken by that island's only remaining native inhabitant; so it, too, will soon be gone. A large number of Ethiopian languages are used by 39 numbers of people. Two speakers of the Ethiopian language Gafat were fine until a researcher took them out of their native jungle, at which point they caught a cold and died. In New Guinea, more than 100 languages could die out.

When a plant, insect, or animal species dies, it is easy to understand what has been lost. 40, language is only a product of the mind. To be the last remaining speaker of a language must be a peculiarly lonely destiny, almost as strange and terrible as being the last surviving member of a dying species. When a language vanishes, we lose the possibility of a 41 way of seeing and describing the world.

- 37 (A) influence (B)inflection (C)impotence (D)intrusion
- 38 (A)degenerate (B)plummet (C)disappear (D)thrive
- 39 (A)vast (B)tiny (C)mixed (D)special
- 40 (A)Consequently (B)Subsequently (C)Moreover (D)However
- 41 (A)unique (B)uniform (C)unanimous (D)universal

- 42 As the ability to travel over great distances becomes easier, the spread of communicable diseases becomes easier.
- (A) Transferable diseases will stop spreading if human beings' ability to traverse oceans and mountains increases.
 - (B) The extent to which people move across places is not necessarily related to the increase of infectious diseases.
 - (C) The higher the ability of people to go from one place to another, the less likely is the spread of transmissible diseases.
 - (D) Human mobility seems to increase the possibility of spreading diseases.
- 43 Over time I have realized that the ideal novel that deeply stirs everyone will never be written; the only transcendence is achieved by the entire family of writers who, together, manage to move us all.
- (A) I have finally realized a time-honored truth that there will never be an ideal novel that says it all; however, many good writers, collectively, can touch our heart.
 - (B) I have finally realized a time-honored truth that no writer can really write a perfect novel, and yet so many writers still attempt to create an ideal novel that may move everyone.
 - (C) I have finally realized a time-honored truth that as long as writers intend to create something that can go beyond their present condition, they can after all achieve the goal of composing an ideal novel.
 - (D) I have finally realized a time-honored truth that readers do not need an ideal novel but they do need good writers to make their lives full and richer.
- 44 Eight kinds of beer and freshly shucked oysters make the hotel an oasis for travelers trekking through the remote area.
- (A) Travelers receive eight kinds of beer and freshly shucked oysters at the hotel for free.
 - (B) The hotel is not the only place with cold beer and fresh oysters in the remote area.
 - (C) Because the area is so remote, travelers are extremely satisfied with the beer and fresh oysters the hotel offers.
 - (D) Because the hotel has beer and oysters, travelers come from all over the world to try them out.

- 45 The writer's infectious enthusiasm toward wild life sparks in urbanites a renewed appreciation for nature's complexity.
- (A)The writer, passionately influenced by the new insight into the intricate pattern of urban life, triggers city folks' admiration.
- (B)The city folks' rekindled admiration of the intricacy of nature is activated by the writer's contagious passion for wild life.
- (C)The renewed admiration of the urban people toward the writer's contagious passion for wild life is appreciated.
- (D)Being passionately infected by urban life, the writer influences people's complicated appreciation of nature.
- 46 Certain beverages are laden with empty calories.
- (A)Some juices might not contain calories at all.
- (B)Alcohol might burn calories, thus emptying your fat.
- (C)Some drinks might contain lots of calories, but these calories are of no use to your body.
- (D)Mineral water might be able to provide you with only needed calories.

47~50 題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

The Sears Tower, completed on May 3, 1973, rises to a height of 1,450 feet and is one of the most recognizable landmarks in the Chicago skyline and in the world. The Sears Tower held the record for the world's tallest building for 25 years until the Petronas Towers in Kuala Lumpur, Malaysia, were built in 1998. 47 But Sears Tower guides are keen to inform people that, including its antennas, the total height of the Sears Tower increases to 1,725 feet and it is still the world's tallest building. 48 Once at the top, if the weather is clear, the views reach up to 80 km away.

49 Each floor of the building is divided into 75-foot, column-free squares, which provide maximum planning, flexibility, and efficiency. Large windows provide maximum light and views, and the use of the finest material throughout the building's common areas provides an environment consistent with the prestige of the property. 50 The building is the preeminent office address in Chicago, and the address means business.

- 47 (A)Every year, 1.5 million visitors come to take the 70-second ride in the elevator.
(B)It then became the third in height when Taipei 101 was completed in the fall of 2004.
(C)The Sears Tower has four distinctively different floorplates that appeal to various types of tenants.
(D)Moreover, the Sears Tower is strategically located on Wacker Drive in the heart of the West Loop, Chicago's leading market to its largest corporations and commuter rail stations.
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(B)It then became the third in height when Taipei 101 was completed in the fall of 2004.
(C)The Sears Tower is a 110-story office tower containing a total enclosed area of approximately 4.56 million gross square feet.
(D)Additionally, this famous 110-floor city landmark is one of the most efficient office buildings in downtown Chicago as well.
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