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101年公務人員特種考試原住民族考試試題

等	別:三等考試
類	科: 各類科

目:法學知識與英文(包括中華民國憲法、原住民族行政及法規、英文) 科

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。

□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。

1 監察院爲國家最高監察機關,行使何種權限?①彈劾 ②審計 ③起訴賄選 ④關於公職人員財產申報事項 (A)(1)(2)(3)(B)(1)(2)(4)(C)(2)(3)(4)(D)(1)(3)(4)

2 依憲法增修條文規定,總統選舉方式爲何?

(A)由國民大會代表選舉之

(B)由立法委員選舉之

(C)由中華民國自由地區全體人民直接選舉之

(D)由立法委員代表選舉選出後, 交公民投票複決之

有關地方制度法規之體系,下列敘述何者錯誤?

(A) 自治法規經地方立法機關通過,並由各該行政機關公布者,稱自治條例

(B)地方行政機關爲辦理上級機關委辦事項,不得依職權或授權,訂定委辦規則

(C)自治法規由地方行政機關訂定,並發布或下達者,稱自治規則

(D)地方立法機關基於議會自律之理念,得訂定自律規則

各級法院法官審判適用法律發現所欲適用之法律違憲時,應如何處理?

(A)對違憲之法律逕自拒絕適用

(B) 宣告違憲之法律無效

(C) 聲請司法院大法官解釋憲法

(D)轉呈最高法院或最高行政法院向司法院大法官聲請解釋憲法

關於憲法增修條文第3條所稱對行政院院長提出「不信任案」,下列敘述何者正確?

(A)係人民不信任政府所爲之公民投票,藉以複決有關政策

(B)係憲法賦予立法院對行政院院長提出,猶如內閣制中之倒閣案,等同於對行政院整體的不信任

(C)係監察院不滿行政院整體施政成績,所提之倒閣案

(D)不信任案僅屬對於行政院院長一人施政表現之不滿,因此行政院院長應即辭職

6 依司法院大法官解釋之意旨,以下那一行爲不屬於立法委員之言論免責權所保障的範圍?

(A)立法委員於委員會的發言

(B)立法委員於立法院所舉辦之公聽會的發言

(C)立法委員於總質詢時掌摑備詢官員之行爲

(D)院會中之表決行爲

甲爲 A 公司之職員。當甲在職務上行使 B 市政府委託 A 公司之公權力,而因過失不法侵害乙之權利時,依 法應由下列何者向乙負國家賠償責任?

(A)A 公司

(B)B 市政府

(C)甲職員

(D)以上三者負連帶責任

8 我國中央公職人員全國不分區之選舉,依下列何種方式選出?

(A)選舉人票多數

(B)相對多數投票

©單記不可讓渡式投票 (D)政黨名單投票

9 依地方制度法第 75 條第 5 項規定,縣(市)政府辦理委辦事項違法者,應如何辦理?

(A) 由委辦機關自行予以撤銷、變更、廢止或停止其執行

(B)由委辦機關轉請內政部予以撤銷、變更、廢止或停止其執行

(C)由委辦機關報行政院予以撤銷、變更、廢止或停止其執行

(D)由委辦機關報行政院轉請監察院予以撤銷、變更、廢止或停止其執行

10 行政院對於立法院所議決之何種議案,如認爲窒礙難行時,得提出覆議?

(A)大赦案

(B)戒嚴案

(C)條約案

(D)媾和案

11 有關選舉、罷免、創制、複決之事項,下列敘述何者錯誤?

(A)憲法上所規定之選舉,原則上以普通、平等、直接及無記名投票之方法爲之

(B)選舉發生之訴訟,由行政機關處理之

(C)被選舉人得由原選舉區依法罷免之

(D)創制、複決兩權之行使,以法律定之

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(A)財產權旨在確保個人依財產之存續狀態行使其自由使用、收益及處分之權能 (B)財產權之保障旨在使權利人免於遭受公權力或第三人之侵害, 俾能實現個人自由、發展人格及維護尊嚴 (C)因公用或其他公益目的之必要,國家機關雖得依法徵收人民之財產,但應依人民所要求之條件給予補償 (D)既成道路符合一定要件而成立公用地役關係者,其所有權人因公益而特別犧牲,應依法給予相當之補償 下列何者之任命, 須經立法院同意? 13 (B)總統府秘書長 (A)審計長 (C)公務人員保障暨培訓委員會委員 (D)銓敘部部長 政府限制人民之自由權利,須有法律依據,這是下列何種原則的展現? (B)法律保留原則 (A)法律優位原則 (C)比例原則 (D)公益原則 法律與憲法有無牴觸發生疑義,依憲法規定,應由下列何者解釋? (B)最高法院 (A)司法院 (C)各級法院 (D) 立法院 16 關於原住民保留地辦理撥用之敘述,下列何者錯誤? (A) 撥用計畫應由該管鄉(鎮、市、區)公所提經原住民保留地土地權利審查委員會審查,並報請上級主管機 關核定 (B)原住民保留地撤銷撥用後,應移交財政部國有財產局接管 CD原住民保留地經辦理撥用後,變更原定用途時,中央主管機關應即通知財政部國有財產局層報行政院撤銷 撥用 (D)轄有原住民保留地之鄉(鎮、市、區)公所,得申請公共造產用地之撥用 17 依社會救助法規定,原住民工作收入之計算,應依中央原住民族事務主管機關公布之何種調查報告,按一般 民眾主要工作所得與原住民主要工作所得之比例核算? (A)原住民就業狀況調查報告 (B)原住民經濟狀況調查報告 (C)原住民生活狀況調查報告 (D)原住民人權指標調查報告 18 依據財團法人原住民族文化事業基金會設置條例規定,下列何者爲目前董事、監察人人選之遴聘方式? (A)由主管機關就原住民族代表、學者專家及社會公正人士中遴聘 (B)由行政院提名,提交立法院行使同意權後,送請總統聘任之 (C)由行政院提名,提交立法院推舉組成之審查委員會以三分之二以上之多數同意後,送請行政院院長聘任之 (D)由主管機關提名,提交主管機關委員會議行使同意權後,送請行政院院長聘任之 依原住民身分法、原住民民族別認定辦法等相關規定,下列敘述何者最正確? (A)原住民應註記民族別,並經行政院原住民族委員會之登記 (B)原住民女子與原住民男子之非婚生子女,未經生父認領者,從父之民族別 (C)原住民之民族別,以註記一個爲限,且不得變更 (D)未滿七歲之非原住民爲年滿四十歲且無子女之原住民父母收養者,得取得原住民身分 20 依行政院原住民族委員會原住民專門人才獎勵要點之規定,下列何者不在獎勵項目之內? (A)於教育部認可之國外大學校院取得博士學位者 (B)經出版之學術專門著作者 (C)參加專門職業及技術人員高等考試律師考試及格者 (D)參加奧林匹克運動會男子百米公尺賽跑項目獲得第五名者 21 原住民因狩獵、祭典等生活需要,得申請製造、運輸或持有自製之獵槍、魚槍,每人以各二枝爲限,每戶不 得超過各幾枝? (A) 二枝 (B)三枝 (C) 四枝 (D) 六枝 22 自由貿易港區設置管理條例規定,自由港區事業,僱用勞力總人數中,應僱用至少百分之幾具有原住民身分? (B) — (C) = $(D)\overline{\mathcal{H}}$ 23 依地方制度法規定,直轄市有平(山)地原住民人口至少在多少人以上者,應有平(山)地原住民選出之議

12 下列有關財產權之敘述,何者錯誤?

員名額?

(A)一千人

前項人員應有多少爲原住民?

(A)五分之一 (B)五分之二 (C)五分之三 (D)五分之四

24 依鄉鎮市區原住民保留地土地權利審查委員會設置要點規定,委員會置主任委員一人,由鄉鎮市區長兼任, 委員八人至十人,由鄉鎮市區公所就轄內之公正人士或原住民社區推舉熟諳法令之熱心公益人士聘兼之,

(C)三千人

(D)四千人

(B)二千人

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25		同管理辦法規定,中央目 族代表其人數應達委員總		理機關後,應建立共同管理機制,
	(A)二分之一			(D)五分之一
26		(M)	, , –	
	(A)原住民族教育法			員會補助原住民自費留學生要點
	(C)原住民族語言能力	認證辦法	D)原住民族教育法施	
				27] 於田只り
27		金,擔保貸款額度最高以		
	(A)一千萬元 水底系(本)	, , , , , , , ,		(D)五百萬元
28	給,最長以六個月爲	限?		甫助金每月按基本工資百分之幾發
	(A) <u>三</u> 十	(B) 四十·		(D)六十
29	依原住民族傳統智慧	創作保護條例規定,下列	何者錯誤?	
	(A)智慧創作專用權之	保護採取登記要件主義與	實質審查主義	
	®智慧創作專用權不	得爲設定質權之標的		
	(C)智慧創作專用權得	作爲強制執行之標的		
	(D)智慧創作專用權非	經主管機關同意不得拋棄		
30				應不得少於董事、監察人人數之幾
50	分之幾?			
	(A)五分之一	(B)四分之一	(C)三分之一	(D)二分之一
31		族綜合發展基金之來源?	(6));	
	(A)原住民族地區溫泉		(B)公益彩券收入	
	(C)原住民族就業基金		D)由政府循預算程序	5一个 4公主50
		* :: ·		-,,-
32				上或達學生總數幾分之幾以上?
	(A)十分之一		–	, . –
33				曾進民族福祉及什麼原則爲目的?
	(A)促進民族發展		" -: · · · · · ·	(D)促進國家發展
34		爲山地原住民係規定在那		
	(A)憲法增修條文		®行政院原住民族委	員會組織條例
	(C)原住民族基本法		(D)地方制度法	
35		,爲各該選舉區應選出之	名額除該選舉區選舉人總數	卡超過或不足各該選舉區應選出之 所得商數百分之幾,始爲當選?
	(A) 	(B) <u></u>	(C)三十	(D)四十·
36	The Internet has had s	such a tremendous	on our lives that it has change	d the way we work and the way we
	communicate.			
	(A) occurrence	(B) sequence	(C) impact	(D) procedure
37	Ninety percent of ch	nildren surveyed by the I	Formosa Cancer Foundation	themselves as victims of
	second-hand smoke; se	eventy percent have family	members who smoke at home	
	(A) identified	(B) scrutinized	(C) explored	(D) vivified
38	The of animal		•	ne of the foremost duties of the men
	and women of today.	1	•	
	(A) prevention	(B) intervention	(C) preservation	(D) liquidation
39	•		•	your diet may be in vitamin
3)	B12.	ctarian and cat no dairy, cg	ggs of other animal products,	your diet may be m vitainin
	(A) deficient	(B) economical	(C) in different	(D) quatamatic
40			(C) indifferent	(D) systematic
40			out the of property. F	follow local directions of municipal
	garbage pickup of haza		(0)	(7)
	(A) approved	1	(C) grieved	(D) ignored
	•	the countries that pay the i	nost and offer the greatest cha	nce for advancement tend to get the
	top talent.			
	(A) globalized	(B) municipal	(C) prehistoric	(D) victorious

42 Northern Taiwan generally receives heavier rainfall than southern Taiwan. (C) it does (A) does (B) in (D) it is in

Every year earthquakes are responsible for a large number of deaths and a vast amount of destruction in various parts of the world. Most of these damaging earthquakes occur either in a narrow belt which surrounds the Pacific Ocean or in a line which extends from Burma to the Alps in Europe. Some of the destruction is directly caused by the quake itself. An example of this is the collapse of buildings as a result of vibration. Other damage results from landslides, tsunamis, or major fires which are initiated by the quake.

There are about a million quakes a year. Fortunately, however, not all of them are destructive. The intensity of an earthquake is measured on the Richter Scale, which goes from 0 upward. The highest magnitude recorded to date is 8.9. Major damage generally occurs from quakes ranging upwards from 6.0. Exceptions to this are those whose epicenters are located far from inhabited areas.

The actual cause of the quake itself is the rupturing or breaking of rocks at or below the earth's surface. This is produced by pressure which scientists believe may be due to a number of reasons, two of which are the expansion and contraction of the earth's crust and continental drift.

- What is the best topic for this passage?
 - (A) The frequency of earthquakes

- (B) The destruction caused by earthquakes
- (C) The causes and effects of earthquakes
- (D) The originating factors for earthquake formation
- 44 According to the passage, which of the following could be the main cause of earthquakes?
 - (A) Continental Drift
- (B) Vibrations
- (C) Tsunamis
- (D) Landslides

- 45 What is the function of the Richter Scale?
 - (A) To measure the destruction caused by earthquakes
- (B) To measure the epicenters of earthquakes
- (C) To measure natural disasters initiated by earthquakes (D) To measure the force of earthquakes
- What is the meaning of the word "magnitude"? 46
 - (A) A measure of energy

(B) A measure of destruction

(C) A measure of earthquakes

(D) A metric measurement

Muhammad Yunus earned the nickname "banker to the poor" by giving tiny cash loans to the poorest of the poor in Bangladesh. That simple idea, however, has grown into an international movement. 47 He taught at Middle Tennessee State University before returning to Bangladesh in 1972 to teach economics at Chittagong University. 48 The amount was the equivalent of \$27. Two years later, Yunus founded the Grameen Bank to make such loans on a wider scale, mostly to people with no collateral who would not be served by typical banks. 49 As it spread to other countries, it gave thousands of people the opportunity to pull themselves out of poverty. Yunus and Grameen were jointly given the Nobel Prize for Peace in 2006. ___50

- (A) Peace can never be achieved unless people find ways to break out of poverty.
 - (B) Yunus's home town of Chittagong was part of India until the Partition of 1947.
 - (C) Mr. Yunus was born in a developed country.
 - (D) Yunus earned a Ph.D. in economics at Vanderbilt University in 1969.
- 48 (A) According to a now-famous story, his first loan was given to a group of very poor women from Jobra in 1974.
 - (B) Dr. M. Yunus lived in Chittagong until 1947.
 - (C) There were many banks in Bangladesh willing to offer loans to the poor.
 - (D) The notion became known as microcredit.
- 49 (A) Peace can never be achieved unless people find ways to break out of poverty.
 - (B) Yunus's home town of Chittagong was part of India until the Partition of 1947.
 - (C) Rich people took advantage of the loans from Grameen Bank.
 - (D) The notion became known as microcredit.
- 50 (A) That simple idea grew into an international movement.
 - (B) By that time the bank had helped more than six million borrowers.
 - (C) Grameen Bank has made loans on a limited scale, mostly to wealthy people.
 - (D) As we recall, Yunus studied both in Bangladesh and the United States.