

考試別：原住民族特考

等 別：三等考試

類 科 組：各類科

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）

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。

- 1 下列何者是立法院對行政院院長提出不信任案時所須具備之要件或程序？  
(A)經全體立法委員三分之一以上連署提出不信任投票案 (B)經諮詢總統後，就不信任案進行投票表決  
(C)不信任案經連署提出後應立即投票表決 (D)不信任案應以秘密投票方式表決
- 2 依憲法增修條文規定，行政院認為立法院決議之法律案有窒礙難行，而移請立法院覆議時，如經全體立法委員至少幾分之幾以上決議維持原案，行政院院長應即接受該決議？  
(A)四分之三 (B)三分之二 (C)二分之一 (D)三分之一
- 3 下列何者屬於行政院職權範圍內之事項？  
(A)預算案之提出 (B)公務人員之保障 (C)公務員之懲戒 (D)審計權之行使
- 4 有關總統、副總統候選人之登記，下列敘述何者錯誤？  
(A)應分別向中央選舉委員會申請 (B)得經由政黨推薦  
(C)得經由連署人連署 (D)如經審定一人資格不符規定，該組候選人應不予登記
- 5 有關公職人員罷免之敘述，下列何者正確？  
(A)立法委員在院內之不當言論得作為罷免之理由 (B)對於全國不分區立委得罷免之  
(C)同一罷免案得罷免二人以上 (D)縣（市）長之罷免案由縣（市）議會提出之
- 6 下列何項基本人權是先於國家而存在，不待憲法明文規定即需保障？  
(A)集會遊行 (B)入出國境自由 (C)生命權 (D)訴訟權
- 7 下列何者不是選舉權保障之一般原則？  
(A)普通選舉原則 (B)平等選舉原則 (C)秘密投票原則 (D)公開投票原則
- 8 有關信仰自由之敘述，下列何者正確？  
(A)寺廟內部之組織結構、是否加入其他宗教性人民團體（教會）成為團體會員，不屬於宗教結社自由之保障範圍  
(B)國家得基於人民之特定信仰為理由予以優待  
(C)兵役法規定，中華民國男子依法皆有服兵役之義務，違反宗教原則  
(D)憲法保障人民有信仰宗教之自由，係為維護人民精神領域之自我發展與自我實踐，及社會多元文化之充實
- 9 下列有關國家賠償責任之敘述，何者正確？  
(A)國家對於因輕過失而侵權之公務員無求償權 (B)此之公務員係指依公務人員任用法任用之人員  
(C)公務員侵權之成立係採無過失責任 (D)國家賠償責任是因為國家合法的行為所致
- 10 下列何者因為違反男女平等原則而被司法院解釋為違憲？  
(A)通姦罪規定 (B)妻以夫之住所為住所之規定  
(C)中華民國男子依法皆有服兵役之義務 (D)子女從父姓
- 11 有關憲法第 8 條人身自由之敘述，下列何者正確？  
(A)人民之逮捕拘禁，屬立法機關之權力 (B)逮捕人民，須依行政命令所定之程序  
(C)人民被逮捕後，有聲請提審之權 (D)警察逮捕人民後，得留置警局 3 日以便確認身分
- 12 下列法律，何者與我國憲法保護勞工之政策，較無直接關聯？  
(A)勞動基準法 (B)促進民間參與公共建設法  
(C)勞工安全衛生法 (D)勞工保險條例
- 13 依憲法增修條文第 9 條之規定，下列何者並非現行地方制度中省之組織？  
(A)省主席 (B)省政府 (C)省議會 (D)省諮議會
- 14 中華民國為民有民治民享之民主共和國，依據孫中山先生遺教，所謂民治之意義為何？  
(A)民治就是民族主義 (B)民治就是民權主義 (C)民治就是民生主義 (D)民治就是自治主義
- 15 下列何者不屬於可以由「民主共和國」直接推導而出之內容？  
(A)權力分立原則 (B)法治國家原則  
(C)基本權保障 (D)民主共和國之元首，為擁有該國之最高權力者
- 16 部落得以部落會議議決行使之權利，不包括下列何者？  
(A)同意權 (B)參與權 (C)共同管理權 (D)參政權
- 17 下列有關部落會議組織之說明，何者錯誤？  
(A)部落會議之召開，設籍於該部落之全體民眾均得出席 (B)部落會議置主席一人，以原住民為限  
(C)鄉（鎮、市）及區公所應派員列席其轄內之部落會議 (D)部落會議係為協助原住民族部落建立自主機制
- 18 下列對於原住民族傳統智慧創作專用權之敘述，何者錯誤？  
(A)傳統智慧創作專用權之權利主體以部落為限  
(B)傳統智慧創作專用權，指智慧創作財產權及智慧創作人格權  
(C)傳統智慧創作專用權無存續期間之限制  
(D)為報導、評論、教育或研究之必要，得使用已公開發表之傳統智慧創作

- 19 下列有關原住民保留地的敘述，何者錯誤？  
(A)非原住民得就私有原住民保留地設定地上權  
(B)私有原住民保留地申辦信託登記，其受託人不必須具原住民身分  
(C)私有原住民保留地所有權的移轉，其移轉的承受人以原住民為限  
(D)原住民取得原住民保留地之耕作權，不得出租予非原住民
- 20 下列何者非原住民族委員會掌理之事項？  
(A)部落之核定  
(B)原住民族語言保存與傳承  
(C)原住民族電視台之營運  
(D)原住民族傳統生物多樣性知識之調查
- 21 依政府採購法得標之廠商，於履約期間進用原住民人數未達規定標準者，其依法應繳納「原住民就業代金」，試問不服之廠商應按何種程序進行救濟？  
(A)民事程序  
(B)刑事程序  
(C)行政程序  
(D)調解程序
- 22 為落實保障原住民之辯護依賴權，依刑事訴訟法之規定，下列何種程序，不須強制辯護？  
(A)被告具原住民身分，經依通常程序審判者  
(B)犯罪嫌疑人具原住民身分者，於司法警察官或司法警察進行詢問時  
(C)被告具原住民身分，經依簡易程序審判者  
(D)被告具原住民身分，經依通常程序起訴者
- 23 司法院自 102 年 1 月 1 日起，指定 9 個地方法院設立原住民族專業法庭，有關其審理案件範圍及類型之說明，下列何者錯誤？  
(A)被告為原住民之刑事案件，所犯最輕本刑為 3 年以上有期徒刑案件  
(B)兩造當事人為原住民之民事事件  
(C)一造當事人為原住民之「確認耕作權或地上權存在或不存在」之民事事件  
(D)一造當事人為部落之「返還（交還）土地」之民事事件
- 24 臺灣原住民回復傳統姓名，可採行方式之說明，下列何者錯誤？  
(A)應使用教育部編訂之國語辭典或辭源、辭海、康熙字典中所列有之文字，登記傳統姓名  
(B)以原住民之傳統姓名與傳統姓名之羅馬拼音並列登記  
(C)以原住民之漢人姓名與傳統姓名之羅馬拼音並列登記  
(D)以原住民傳統姓名之羅馬拼音登記
- 25 下列何者非屬法定之原住民族？  
(A)卡那卡那富族  
(B)拍瀑拉族  
(C)撒奇萊雅族  
(D)拉阿魯哇族
- 26 立法院於 103 年 1 月 14 日三讀通過「地方制度法」，直轄市山地原住民區回復公法人自治，確實保障原住民族參政權，下列何者不在其內？  
(A)臺南市玉井區  
(B)臺中市和平區  
(C)高雄市那瑪夏區  
(D)新北市烏來區
- 27 下列何者非設立財團法人原住民族文化事業基金會之立法目的？  
(A)經營原住民族文化事業  
(B)原住民族傳統智慧創作保護之規劃、協調及推動  
(C)經營原住民族傳播媒體事業  
(D)傳承原住民族文化教育
- 28 原住民族委員會依法進用之簡任、薦任、委任各官等人員具原住民身分者，不得低於多少比例？  
(A)百分之五十  
(B)百分之六十  
(C)百分之七十  
(D)百分之八十
- 29 原住民族委員會完成組織改造後，下列何者非屬其業務單位？  
(A)綜合規劃處  
(B)社會福利處  
(C)土地管理處  
(D)經濟及公共建設處
- 30 按原住民族教育法第 15 條，由縣（市）主管機關所擇定之學校所設立的民族教育資源中心，下列何者非其任務？  
(A)民族教育課程與教學之研發及推廣  
(B)民族教育之諮詢及輔導  
(C)民族教育教學事項之協助  
(D)培育部落社區現代化公民
- 31 政府採購得標廠商員工逾百者應進用一定比例原住民，其立法目的，下列何者錯誤？  
(A)為貫徹憲法增修條文第 10 條第 12 項之意旨  
(B)為促進原住民就業  
(C)為保障原住民族財產權  
(D)為改善原住民族經濟與社會狀況
- 32 政府採購得標廠商員工逾百者應進用一定比例原住民，未進用者令繳代金，其代金之計算，下列何者正確？  
(A)依差額人數乘以零點五個月基本工資  
(B)依差額人數乘以每月基本工資  
(C)依差額人數乘以一點五個月基本工資  
(D)依差額人數乘以二個月基本工資
- 33 下列有關原住民族基本法之立法目的，何者錯誤？  
(A)發揚中華文化  
(B)保障原住民族基本權利  
(C)促進原住民族生存發展  
(D)建立共存共榮之族群關係
- 34 參加原住民族語保母托育獎助計畫之「親屬保母」，須參加多少時數的「族語文化學習課程」？  
(A) 24 小時  
(B) 36 小時  
(C) 48 小時  
(D) 72 小時
- 35 原住民依法從事自然資源利用之非營利行為，下列何者錯誤？  
(A)賽德克族原住民在南投縣仁愛鄉行政區域內獵捕野生動物  
(B)排灣族原住民在大武山區域採集野生植物  
(C)布農族原住民基於學術研究需求，採取阿里山的土石  
(D)雅美族原住民為飛魚祭捕獲飛魚

第 36 題至第 38 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

We prize knowledge work—work that relies on our intellectual abilities. Yet, we increasingly feel that we have no time to think simply because we are so distracted. And how? 36 It seems that the greatest casualty of our mobile, high-tech age is attention. 37 And, being distracted, we are undermining our capacity to thrive in a complex, ever-shifting world.

Let's take a look at the mounting costs of this wide-spread distraction according to findings of some recent research studies. In general, the average knowledge worker switches tasks every three minutes. 38 The interruptions and the requisite recovery time now consume 28 percent of a worker's day. Under deadline pressure, workers produce creative work when they are focused, not when they are scattered and interrupted.

- 36 (A) That is why a few pioneering companies are creating places or times for uninterrupted, focused creative thought.  
(B) What we urgently need is a revaluing and cultivating of the art of attention.  
(C) Beeped and pinged, interrupted and inundated, overloaded and hurried—that is how we live today.  
(D) However, in meetings where everyone is checking e-mail, opportunities for collective creative energy and critical thinking are lost.
- 37 (A) Such distraction is fragmenting and diffusing our powers of attention.  
(B) The first step is to learn to speak a language of attention.  
(C) Beeped and pinged, interrupted and inundated, overloaded and hurried—that is how we live today.  
(D) That is why a few pioneering companies are creating places or times for uninterrupted, focused creative thought.
- 38 (A) Such distraction is fragmenting and diffusing our powers of attention.  
(B) And, once distracted, a worker takes nearly a half-hour to resume the original task.  
(C) That is why a few pioneering companies are creating places or times for uninterrupted, focused creative thought.  
(D) The first step is to learn to speak a language of attention.

第 39 題至第 42 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

For many of us, while we are reading something, we may be listening to music or the radio at the same time. For people who work online, they may be used to e-mailing or instant-messaging or checking stocks at the same time. Since the 1990s, we have accepted multitasking without question. 39 While multitasking may seem to be saving time, psychologists and neuroscientists are finding that it can put us under a great deal of stress and actually make us less efficient. Basically, multitasking is shifting focus from one task to another in rapid succession. 40 It gives the illusion that we are simultaneously tasking, but we are really not. In plain language, it is like playing tennis with three balls.

Of course, it depends what we are doing. For some people, listening to music while working actually makes them more creative because they are using different cognitive functions. 41 We may all be familiar with the so-called “e-mail voice,” when someone we are talking to on the phone suddenly sounds, well, disengaged. 42 They point out that it is a big illusion that people think they can shift back and forth between tasks.

- 39 (A) According to psychologists and neuroscientists, we cannot divide our attention like that.  
(B) But the researchers say that many of us do not like, or even hate, to do many things in a short period of time at work.  
(C) Virtually all of us spend part or most of our day either rapidly switching from one task to another or juggling two or more things at the same time.  
(D) Although doing many things at the same time can be a way of making tasks more fun and energizing, we have to keep in mind that we sacrifice focus when we do this.
- 40 (A) According to psychologists and neuroscientists, we cannot divide our attention like that.  
(B) We may think that it would be nice to focus on just one thing at a time, but the real world does not seem to work that way.  
(C) Virtually all of us spend part or most of our day either rapidly switching from one task to another or juggling two or more things at the same time.  
(D) Although doing many things at the same time can be a way of making tasks more fun and energizing, we have to keep in mind that we sacrifice focus when we do this.
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(B) But despite what many of us think, people cannot simultaneously e-mail and talk on the phone.  
(C) But the researchers say that many of us do not like, or even hate, to do many things in a short period of time at work.  
(D) Although doing many things at the same time can be a way of making tasks more fun and energizing, we have to keep in mind that we sacrifice focus when we do this.
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第 43 題至第 46 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

Before the opening ceremony of the 2008 Olympic Games in Beijing took place, several athletes had faced charges of taking substances banned by the International Olympic Committee. 43 Far from quelling such practices, the advent of drug testing in sports in the late 1960s stimulated an arms race between regulators and the cheats.

Today, some athletes and their coaches continue to risk their reputation, and sometimes the athletes' long-term health, for the chance to dope undetected. 44 The latest drugs are designed with testing in mind, so that they either clear from the body quickly or do not produce the tell-tale metabolite spikes in blood and urine samples. As a result, the testing labs must also push to stay one step ahead of the cheats.

Donald Berry, a biostatistician, summarizes what he sees as problems with the way doping tests are conducted. 45 The ability of an anti-doping test to detect a banned substance in an athlete is calibrated in part by testing a small number of volunteers taking the substance in question. But Berry says that individual labs need to verify these detection limits in larger groups that include known dopers and non-dopers under blinded conditions that mimic what happens during competition.

46 Only by publishing and opening to broader scientific scrutiny the methods by which testing labs engage in study may the anti-doping authorities avoid a sporting culture of suspicion, secrecy, and fear.

- 43 (A) Some scientists believe that accepting “legal limits” of specific metabolites without such rigorous verification goes against the foundational standards of modern science.  
(B) These were just a few in a long line of cases in which competitors had been accused of using performance-enhancing substances.  
(C) Drug testing should not be exempt from the scientific principles and standards that apply to other biomedical sciences.  
(D) In the process, they push the human body to its limits and go beyond what is known about the drugs being taken.
- 44 (A) He argues that anti-doping authorities have not adequately defined and publicized how they arrived at the criteria used to determine whether or not a test result is positive.  
(B) These were just a few in a long line of cases in which competitors had been accused of using performance-enhancing substances.  
(C) The alternative could see the innocent being punished while the guilty escape on the grounds of reasonable doubt.  
(D) In the process, they push the human body to its limits and go beyond what is known about the drugs being taken.
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第 47 題至第 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

Corporations live and die by ideas. Many enterprises have used Web-based technologies, like blogs, wikis, and social networks to gather thoughts as part of the decision-making process. 47 They use these markets to transform the creation and implementation of ideas inside their companies—by tapping the collective insight of the workforce. 48 Seeing the potential of prediction markets, companies like General Electric and Hewlett-Packard are using them to try to improve forecasting, reduce risk, and accelerate innovation.

Corporate prediction markets work like this: players—employees and potential outsiders—make their wagers over the Internet using virtual currency, betting anonymously. 49 The payoff for the most accurate players is typically a modest prize, cash, or an iPod. The idea behind predication markets is that the collected knowledge of many people will almost surely be more accurate than that of an individual or a small group or even experts. 50 That is, whether prediction markets are mainly an innovative way to gather information from employees or a source of reliable answers. More testing of the concept is in need to see how it goes.

- 47 (A) Now executives say they are harnessing a new Web tool, called “prediction markets.”  
(B) While prediction markets are getting popularized, however, an important issue remains.  
(C) The results are encouraging, and companies are placing bets on the wisdom of their workers.  
(D) They bet on what they think will actually happen, not what they hope will happen or what the boss wants.
- 48 (A) Now executives say they are harnessing a new Web tool, called “prediction markets.”  
(B) The early results are encouraging.  
(C) These markets have often been more accurate than professional pollsters or market researchers.  
(D) They bet on what they think will actually happen, not what they hope will happen or what the boss wants.
- 49 (A) While prediction markets are getting popularized, however, an important issue remains.  
(B) The potential is that prediction markets may be the thing that leads to right corporate decisions.  
(C) These markets have often been more accurate than professional pollsters or market researchers.  
(D) They bet on what they think will actually happen, not what they hope will happen or what the boss wants.
- 50 (A) Now executives say they are harnessing a new Web tool, called “prediction markets.”  
(B) While prediction markets are getting popularized, however, an important issue remains.  
(C) The results are encouraging, and companies are placing bets on the wisdom of their workers.  
(D) These markets have often been more accurate than professional pollsters or market researchers.