

# 108年特種考試地方政府公務人員考試試題

等 別：四等考試

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)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 有關立法院審議法律案之程序與原則，下列敘述何者錯誤？  
(A)除法律案、預算案應經三讀程序議決外，其餘議案僅須經二讀會議決  
(B)每屆立法委員任期屆滿前，尚未議決之議案由下屆立法委員繼續審議  
(C)立法委員在討論法律案時之發言，有言論免責權  
(D)立法者不得立法針對個案之特定人給予利益
- 2 依司法院大法官解釋之意旨，關於憲政慣例，下列敘述何者錯誤？  
(A)參謀總長負責國防之重要事項，既包括預算之擬編及執行，亦應到立法院院會備詢  
(B)在成文憲法之下，雖亦有憲政慣例之概念，但僅具補充成文憲法之作用，其地位不若於不成文憲法國  
家重要  
(C)按憲法慣例或憲政上之習慣法，其成立應有反覆發生之先例，並對一般人產生法之確信，始足當之  
(D)司法、考試、監察三院院長，本於五院間相互尊重之立場，得不受立法院邀請備詢
- 3 憲法第 137 條規定國防之組織，以法律定之。依國防法規定，下列敘述何者錯誤？  
(A)國防法勵行軍政、軍令一元化，由國防部主管軍政、軍令與軍備  
(B)參謀總長為總統之幕僚長  
(C)總統統率全國陸海空軍，為三軍統帥，行使統帥權  
(D)國防部應定期向立法院提出軍事政策、建軍備戰及軍備整備之報告
- 4 下列何者非屬憲法增修條文第 10 條明定之內容？  
(A)中小型經濟事業之扶助  
(B)促進現代和傳統醫藥之研究發展  
(C)國民體育健康活動之促進  
(D)保障軍人退役後之就學
- 5 關於憲法之修正，下列敘述何者正確？  
(A)由立法院提案並議決通過  
(B)立法院提出憲法修正案，經公民投票複決  
(C)由總統提出憲法修正案，經公民投票複決  
(D)由總統提出憲法修正案，經立法院議決
- 6 下列何者並非保障言論自由的主要目的？  
(A)追求真理  
(B)維持社會秩序  
(C)健全民主程序  
(D)促進自我實現
- 7 關於秘密通訊自由，下列敘述何者錯誤？  
(A)國家不得任意侵擾人民之通訊自由  
(B)秘密通訊自由係保障個人生活私密領域不受干擾之權利  
(C)國家基於公益目的，得由檢察官或法官核發通訊監察書為監聽  
(D)核發通訊監察書必須遵守正當法律程序
- 8 下列關於不分區立法委員之敘述，何者錯誤？  
(A)不分區立法委員名單由政黨提出  
(B)不分區立法委員之當選名單，其婦女比例不得低於二分之一  
(C)不分區立法委員同時代表人民及政黨行使立法權  
(D)不分區立法委員會因為失去黨籍而喪失資格
- 9 下列關於選舉、罷免、創制、複決之事項，何者憲法並未明文授權以法律定之？  
(A)各種選舉婦女應當選之名額  
(B)人民被選舉之資格  
(C)選舉訴訟審判之程序  
(D)創制、複決之行使
- 10 有關總統、副總統資格與產生方式之敘述，下列何者錯誤？  
(A)總統、副總統候選人均須年滿 40 歲  
(B)二個以上政黨，不得共同推薦一組總統、副總統候選人  
(C)因歸化取得中華民國國籍者，不得登記為總統、副總統候選人  
(D)副總統缺位時，總統應提名候選人，由立法院補選

- 11 依司法院釋字第 520 號解釋，行政院因重要政策變更涉及法定預算之停止執行，下列敘述何者錯誤？  
(A)行政院院長應向立法院提出報告  
(B)行政院院長或有關部會首長應至立法院備質詢  
(C)立法院反對行政院停止執行預算之決議，具有確認法定預算之作用  
(D)行政院如不願接受立法院之反對決議，行政院院長應即辭職
- 12 關於司法院大法官之選任資格，下列敘述何者錯誤？  
(A)曾任實任法官或檢察官 15 年以上而成績卓著者  
(B)曾實際執行律師業務 25 年以上而聲譽卓著者  
(C)曾在學術機關從事公法學或比較法學之研究 8 年以上而有權威著作  
(D)研究法學，富有政治經驗，聲譽卓著者
- 13 依司法院大法官解釋，關於法官聲請釋憲，下列敘述何者錯誤？  
(A)依法公布施行之法律，法官應以其為審判之依據，故不得認定法律為違憲而逕行拒絕適用  
(B)法官於審理案件時，對於應適用之法律，依其合理之確信，認為有牴觸憲法之疑義者，應許其先行聲請解釋憲法  
(C)為避免法官濫用聲請解釋憲法權限，故僅限於終審法院之法官方得聲請之  
(D)欲聲請大法官解釋時，須以其為先決問題裁定停止訴訟程序，並提出客觀上形成確信法律為違憲之具體理由
- 14 下列有關監察院職權之敘述，何者錯誤？  
(A)監察院享有調查權  
(B)監察院不得向立法院提出法律案  
(C)監察院不得向立法院提出預算案  
(D)監察院受理特定公職人員之財產申報
- 15 依司法院釋字第 550 號解釋，下列敘述何者錯誤？  
(A)法律之實施須由地方負擔經費者，立法院應予地方政府人員列席此類立法程序表示意見之機會  
(B)全民健康保險法第 27 條所定之補助各類被保險人保險費之比例，屬於立法裁量事項  
(C)全民健康保險法第 27 條規定由地方自治團體補助之保險費，係指實施全民健康保險法之執行費用  
(D)對地方負有協力義務之全民健康保險事項，中央得依據法律使地方分擔保險費之補助
- 16 下列有關國際法與國內法之敘述，何者錯誤？  
(A)聯合國憲章為國際法  
(B)涉外民事法律適用法為國內法  
(C)國際法效力優於國內法  
(D)國際條約經國內立法機關同意後直接拘束國內各機關
- 17 法律禁止溯及既往原則，係屬法律之何種效力限制？  
(A)人的效力  
(B)物的效力  
(C)地的效力  
(D)時的效力
- 18 我國性別工作平等法中所訂「育嬰留職停薪」制度之適用人數門檻是：  
(A)僱用員工 50 人以上之事業單位  
(B)僱用員工 30 人以上之事業單位  
(C)沒有僱用員工人數之上限  
(D)僱用員工 15 人以上之事業單位
- 19 依中央法規標準法之規定，下列何者非應廢止法規之情形？  
(A)機關裁併，有關法規無保留之必要  
(B)同一事項有數法規規定者  
(C)法規規定之事項因情勢變遷，無繼續施行之必要者  
(D)法規因有關法規之廢止或修正致失其依據，而無單獨施行之必要者
- 20 地方自治法規與其他法令牴觸時，關於其效力，下列敘述何者正確？  
(A)自治條例與法律牴觸者，自始、當然、確定無效  
(B)自律規則與法律牴觸者，無效  
(C)自治法規與法位階較高之法令牴觸時，一律由行政院函告無效  
(D)自治法規與法位階較高之法令有無牴觸發生疑義時，得函請行政院解釋之
- 21 依中央法規標準法規定，法律明定自公布日施行者，何時起發生效力？  
(A)公布日即時生效  
(B)公布日翌日  
(C)公布日起算至第 3 日  
(D)公布日翌日起算至第 3 日
- 22 依司法院大法官解釋意旨，偵查中之犯罪嫌疑人及其辯護人僅受告知羈押事由所據之事實，最可能違反下列何種原則？  
(A)正當法律程序原則  
(B)信賴保護原則  
(C)比例原則  
(D)誠實信用原則
- 23 人民有依法律納稅之義務，此與下列何項憲法原則關係最為密切？  
(A)權力分立原則  
(B)法治國原則  
(C)社會國原則  
(D)共和國原則

- 24 依民法規定，下列何者有受限制的行為能力？  
(A)已結婚之 18 歲甲男 (B)受監護宣告之 40 歲乙女 (C)受輔助宣告之 60 歲丙男 (D)30 歲之植物人丁男
- 25 依民法規定，下列何者非屬貸與人得終止使用借貸契約之事由？  
(A)借用人受監護宣告者  
(B)貸與人因不可預知之情事，自己需用借用物者  
(C)借用人未經貸與人同意允許第三人使用借用物者  
(D)因借用人怠於善良管理人注意，致借用物毀損或有毀損之虞者
- 26 甲、乙夫妻未約定夫妻財產制，甲積欠銀行卡債新臺幣 500 萬元，尚積欠地下錢莊新臺幣 20 萬元。下列何種狀況，不能向法院聲請宣告改用分別財產制？  
(A)甲名下的財產不足清償其債務，乙欲向法院聲請宣告改用分別財產制  
(B)銀行法務得知乙婚後購得房屋一棟，欲聲請法院宣告甲、乙改採分別財產制，再進一步代位甲行使剩餘財產分配請求權  
(C)甲每月花新臺幣 20 萬元包養外遇對象，對乙之剩餘財產分配請求權有侵害之虞時，乙欲向法院聲請宣告改用分別財產制  
(D)甲四處躲債，且時常有黑道上門恐嚇討債，導致甲、乙難於維持共同生活，不同居已達 1 年，乙欲向法院聲請宣告改用分別財產制
- 27 甲、乙、丙共有 L 地，分割為 L1、L2 及 L3 三地，分別由甲、乙及丙取得單獨所有。丙的 L3 與公路無適宜的聯絡，致不能為通常使用。下列敘述何者正確？  
(A)丙得通行 L1 或 L2 而不須支付費用 (B)甲、乙均得拒絕丙的通行  
(C)丙須支付費用始得要求通行 L1 或 L2 (D)當事人就通行費用不能合意時，得聲請法院定之
- 28 甲欲持槍殺人，但在行兇前，同居人將該槍換成玩具槍，甲開槍後，始發現該槍為玩具槍。下列敘述何者正確？  
(A)甲之行為係障礙未遂 (B)甲之行為係不能未遂 (C)甲之行為係中止未遂 (D)甲之行為係準中止犯
- 29 A 公司董事長為甲，另有董事乙、丙，監察人丁。某次董事會議案有二，議案一：公司向甲之妻戊購買土地一筆。議案二：公司賣給董事乙土地一筆。依公司法之規定，下列敘述何者正確？  
(A)就議案一，甲無須迴避，但應由丁代表公司為交易 (B)就議案一，甲應迴避，且應由丁代表公司為交易  
(C)就議案二，乙應迴避，且應由丁代表公司為交易 (D)就議案二，乙無須迴避，但應由丁代表公司為交易
- 30 依全民健康保險法規定，該法將被保險人區分為六類。則參加高雄市屠宰工會之肉販甲，係屬何種類別？  
(A)第一類 (B)第二類 (C)第三類 (D)第四類
- 31 In the US, it is considered rude to stare; \_\_\_\_\_, the polite Englishman is taught to pay strict attention to a speaker.  
(A)in consequence (B)in hindsight (C)in retrospect (D)in contrast
- 32 Although wearable devices like smart watches and fitness wristbands are cool, they may be hacked and \_\_\_\_\_ information of users' ATM passwords or PIN.  
(A)flee (B)kick (C)leak (D)tick
- 33 John got rid of some old furniture so as to \_\_\_\_\_ the space of his small apartment for accommodating his family of five.  
(A)capitalize (B)maximize (C)reinforce (D)strengthen
- 34 Because of this report, the abuse of child labor at factories in India was \_\_\_\_\_ to the world.  
(A)contributed (B)devoted (C)exposed (D)flocked
- 35 Mount Ali is a spectacular tourist \_\_\_\_\_ in Taiwan. It is crowded with tourists and climbers on holidays.  
(A)attraction (B)attribution (C)temptation (D)repulsion
- 36 Mr. Woodgate, clearly disturbed by the charge, scarcely made an \_\_\_\_\_ in public.  
(A)appointment (B)abundance (C)appearance (D)accommodation
- 37 Helen was very \_\_\_\_\_ of her daughter because she got the best grade on the English test today.  
(A)conscious (B)jealous (C)proud (D)tired
- 38 Because the train tickets were not \_\_\_\_\_, we had to take the bus instead.  
(A)available (B)invisible (C)agreeable (D)inevitable
- 39 All products should be sold with clear warnings about possible health \_\_\_\_\_.  
(A)risks (B)benefits (C)doses (D)advantages
- 40 To develop various skills and a sense of responsibility, college students are encouraged to \_\_\_\_\_ club activities outside of regular school hours.  
(A)abstain from (B)intercede with (C)participate in (D)succumb to

請依下文回答第 41 題至第 45 題

Cheerleading is an organized sports activity combining dance, gymnastics, and stunt elements to cheer on teams. It originated in Britain in the 1860s when students began to cheer in unison for their favorite athletes at sports events. A decade later cheerleading crossed overseas to the United States, 41 it remains the most common.

42 women currently dominate the field, cheerleading was begun by men. In the 1920s women became involved in cheerleading, but it was not until 1940s that they joined in large numbers, since so many college-aged men went off to fight in World War II. In 1948, Lawrence Herkimer, the father of modern cheerleading, founded the National Cheerleaders Association and held the first cheerleading camp. He established the first cheer uniform company and invented the iconic cheer accessory, pom poms. 43 Herkimer, cheerleading would not be the sport that we know and love today.

The history of competitive cheerleading dates back to the late 1960s, when the International Cheerleading Foundation began 44 the top ten college cheerleading squads as well as handing out Cheerleader All America awards. As the popularity of cheerleading grew, so 45 the stunts, tumbling and skill level of the cheerleaders participating. Today competitive cheerleading is one of the most popular sports in the United States and it has become a multi-million-dollar industry that shows no signs of slowing down.

- |    |               |               |             |             |
|----|---------------|---------------|-------------|-------------|
| 41 | (A)which      | (B)where      | (C)when     | (D)how      |
| 42 | (A)Once       | (B)Because    | (C)Unless   | (D)Although |
| 43 | (A)Because of | (B)Apart from | (C)Like     | (D)Without  |
| 44 | (A)charging   | (B)adapting   | (C)figuring | (D)ranking  |
| 45 | (A)did        | (B)that       | (C)what     | (D)were     |

請依下文回答第 46 題至第 50 題

My wife was one of the many bright and industrious young women of the 1960s who worked their way through college. Somewhere late in her sophomore year, her funds ran low and she inquired at the university about a small loan for books and supplies. She was told that her chance of getting a loan was slim, because university funds were scarce, too, and what resources remained for loans were being given almost exclusively to male students. The only women getting loans at the moment were seniors who were about to graduate.

She wasn't surprised—disappointed, but not surprised. The priorities were well known: male students first, regardless of academic status, and then if there was enough money left, it would go to advanced female students. The university's loan policy was not unusual; it was just one more expression of an ancient value in the Western tradition. Education for male is practical, but for females, it is luxurious. It is the males, after all, who are destined to hold jobs that require learning; Females—well, a measure of common sense is sufficient for bringing up children.

- 46 What is the main idea of this passage?
- (A)In the 1960s, university funds were sufficient to meet all students' needs.  
 (B)In the 1960s, there were more male students than female students.  
 (C)In the 1960s, females were considered to be less academically important than males.  
 (D)In the 1960s, common sense was enough to raise children.
- 47 According to the passage, which of the following statements explains why the author's wife failed to get a loan from the university?
- (A)Her academic performance was poor.  
 (B)She was married and her husband could support her.  
 (C)Her loan was for books and supplies.  
 (D)There was discrimination against women.
- 48 According to the passage, which of the following statements best describes the distributing policy of university student loans in the 1960s?
- (A)Male students and female students had equal chances.  
 (B)Almost all university student loans were granted to male students.  
 (C)Universities gave equal chances of financial support to senior students.  
 (D)All students of lower academic status were not given any university loans.
- 49 In this article, what is the meaning of the word "slim" in the first paragraph?
- (A)slender (B)skinny (C)faint (D)small
- 50 In the passage, what does the word "resources" refer to in the first paragraph?
- (A)money (B)jobs (C)banks (D)schools