

ATM fee ban set for vote

San Francisco proposal may face court challenge from banking industry.

SAN FRANCISCO (AP) — A proposal to ban those \$1 or \$2 ATM surcharges goes before voters for the first time next month in San Francisco, setting the stage for a court battle.

There is little doubt the ban will pass, but it is certain to face a legal challenge from the banking industry, which contends that federally chartered banks are not subject to local and state laws. No court in the nation has ruled specifically on an ATM fee ban.

San Francisco's initiative is the latest sign of growing consumer outrage over the cash-machine fees, which are usually charged when customers withdraw money from a bank other than the one where they hold an account.

The surcharges averaged \$1.20 in a 1998 study by the Federal Reserve and have become almost universal across the country in the last three years.

In Southern California, Santa Monica city officials have already passed a ban on surcharges. It takes effect Nov. 12. A dozen other California communities are considering

ing bans, including Los Angeles and San Diego, said Jon Golinger of the California Public Interest Research Group, which has led the no-surcharge campaign.

Connecticut and Iowa have used existing laws to ban ATM surcharges. And last week, the Pentagon said it would consider a ban on ATM fees on U.S. military bases.

Congress has thus far rejected legislation that would eliminate surcharges nationwide.

Banks say the charges are the price of 24-hour convenience and help pay for their growing networks of ATMs. But opponents say they are unjustifiable at a time of soaring bank profits, teller layoffs and branch closings.

"Why do they have to charge? They never did it before," asked Carney Campion, a San Francisco resident who tore up his ATM card a few weeks ago in frustration.

Golinger sees the San Francisco initiative as a way to accelerate efforts to get rid of the fees elsewhere.

According to a 1997 government report, the surcharges aren't needed to cover the costs of ATM transactions. The report said the average ATM transaction costs banks 27 cents, while

transactions with tellers cost up to \$2.93 each.

Instead, the banks argue that the fees help pay to install more ATMs, which are needed as cash-machine use increases and branches close.

"It's a way of having non-customers share in the burden of maintaining that network," said California Bankers Association spokesman John Stafford.

The American Bankers Association warns that banning the fees would force banks to bar ATM use by non-account holders and shut down tens of thousands of the machines.

The chief legal argument against local surcharge bans is that only the federal government can regulate the ATMs of national banks, which operate 90 percent of the machines covered by San Francisco's initiative.

Each side in the legal dispute can point to favorable language in court decisions on related issues.

In Iowa, the 8th U.S. Circuit Court of Appeals last month said federal law prohibits states from regulating national banks' ATMs.

But the 9th U.S. Circuit Court of Appeals, which covers California and eight other Western states, reached the opposite conclusion in 1990.

Southerners' obesity rate goes up

ATLANTA (AP) — Americans are getting fatter, and the South — where meals are often finger-lickin' good and steamy summers lead to days of lounging inside — is leading the way.

A study released Tuesday by the Centers for Disease Control and Prevention showed that the number of Americans considered obese — defined as being more than 30 percent over their ideal body weight — soared from about one in eight in 1991 to nearly one in five last year.

In the Southeast, the obesity rate jumped 67.2 percent in that time frame. Georgia led the nation with a 101.8 percent increase.

While traditional Southern cooking — fried chicken, potato salad, barbecue — is often high in fat, experts say Southerners' diets are now not much different from those in the rest of the country.

The more likely reason for the increase in portliness below the Mason-Dixon line is a lack of exercise. Southerners are less likely to hike, ride a bike, walk or join a health club than their counterparts in the rest of the nation,

"If they don't get out in the morning, they don't exercise. They go in and find air conditioning."

HARRY DUVAL

director of the University of Georgia fitness center

according to Georgia's Division of Public Health.

The lowest obesity rates were in New England and in the West, where people are more active. Even there, though, obesity rates are on the rise.

Some blame Southern weather, saying the summers are too hot for people to get outside.

"If they don't get out in the morning, they don't exercise," said Harry DuVal, director of the University of Georgia fitness center. "They go in and find air conditioning."

Others, including Dr. William Dietz, one of the study's co-authors, blame the design of modern suburbs. Dietz points out that the sprawl around Atlanta keeps people trapped in their

cars for hours, encourages them to eat greasy fast food and prevents them from having enough time to exercise.

The period measured in the study coincides with a time of rapid population growth around Atlanta. In 1991, Georgia had one of the lowest obesity rates in the country.

"Atlanta is not a walkable community," said Pam Wilson, a dietitian with Georgia's division of public health. "We don't have sidewalks that lead anywhere."

The CDC study, announced Tuesday at the AMA's annual Science Reporters Convention, was based on telephone surveys of more than 100,000 participants each year between 1991 and '98.

Survey: Web not perfect in shopping convenience

NEW YORK (AP) — Go online or use the old-fashioned catalog this holiday season?

The Web is preferable only about half the time, despite promises of convenience with e-commerce, according to a Consumer Reports review of 25 retailers.

The survey in the November issue of the magazine recommends using the Internet to shop at 11 of the stores studied while sticking with mail-order catalogs for 12 others. Two retailers studied were toss-ups.

"With few exceptions, both the paper catalogs and the Web sites delivered the goods — as ordered and on time," wrote the editors of the magazine. "The shopping experience was another matter."

The magazine hits newsstands a week from today. It is published by Consumers Union, a nonprofit product tester for more than 60 years.

Consumer Reports said some of the Internet shopping sites lacked information about security, return policies and shipping costs or made shopping tedious because of poor organization.

On the other hand, "all the paper catalogs were uniformly easy to page through and order from — just what you'd expect from a highly refined

shopping medium."

That finding came as little surprise to many Internet analysts, given that e-commerce is relatively new.

Clay Ryder, chief analyst with Zona Research Inc. of Redwood City, Calif., said Web sites are getting better and may one day surpass paper catalogs by offering better guidance and shopping tips for individual customers.

Among the seven clothing merchants reviewed, J. Crew and Eddie Bauer got good marks for their Web sites' ease of use. Lands' End made up for inefficient navigation with useful features such as a gift finder and reminder. Eddie Bauer also won praise for an e-mail gift reminder.

The magazine, which rated the companies between July and September, recommended using mail order for four other clothing retailers: L.L. Bean, Victoria's Secret, Frederick's of Hollywood and Old Pueblo Traders.

L.L. Bean has since restructured its site to address what spokesman Rich Donaldson said were "legitimate criticisms" from customers. Frederick's plans changes by Thanksgiving.

The magazine points out that the information superhighway may evolve one day into "a fine place for at-home shopping."

Law & Order

House catches fire outside Lincoln

A house fire outside Lincoln caused \$200,000 damage early Tuesday morning, said Sgt. Robert Marker of the Lancaster County Sheriff's Office.

A woman sleeping in the house on the 10,000 block of W. Yankee Hill Road told Sheriff's deputies she woke up around 4 a.m. after hearing the home's rear door slam, Marker said. She then saw smoke coming from the rear section of the home.

Deputy Chief Bill Jarrett said the first fire units on the scene almost put the fire out before running out of water.

Crete Rural, Pleasant Dale, Southeast and Nebraska National Guard fire companies responded to the fire, Marker said.

State fire marshals are investigating the cause of the fire, Marker said.

Deputies catch emu on West O Street

County Sheriff's deputies corralled an emu on West O Street

Monday afternoon, Jarrett said.

The Australian flightless bird, capable of running up to 60 mph, was fenced in after a brief chase by deputies near the intersection of N.W. 84th and West O streets, Jarrett said.

Deputies killed an emu Feb. 11, 1998 after a month-long chase. The emu repeatedly ran through traffic on Interstate 80, disrupting traffic, Jarrett said.

Man arrested on suspicion of exposing himself to boy

Deputies arrested a 54-year-old Lincoln man Monday evening on suspicion that he showed a 12-year-old boy his penis at a rest stop outside Lincoln, Jarrett said.

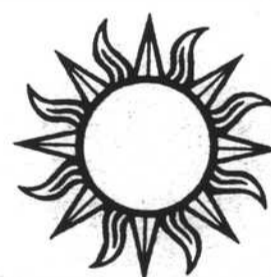
Gerald J. Mahoney was arrested after the boy identified him to deputies. Mahoney is accused of first watching the boy urinate through the bathroom stall door, then walking into the stall and dropping his pants, Jarrett said.

Compiled by senior staff writer Jake Bleed


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