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ENVIROTEST SYSTEMS CORP. *v.* COMMISSIONER OF MOTOR
VEHICLES—SECOND CONCURRENCE

PALMER, J., concurring. I agree with the result that the majority reaches. For the reasons set forth by Justice Katz in her concurring opinion, however, I do not agree with the majority's conclusion that it is improper for this court to resort to legislative history in determining whether a statute waives sovereign immunity by force of necessary implication. I see no persuasive reason why we should foreclose ourselves from consulting legislative history when it may be useful to do so because the statutory language is not crystal clear with respect to the intent of the legislature. I therefore respectfully concur.
